REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

BUNGOMA CIVIL APPEAL NO. 52 OF 2020

(CORAM: R. E. ABURILI - J.)

FLORENCE NAMACHITU.....1ST APPELLANT/APPLICANT

RONALD KERRE.....2ND APPELLANT/APPLICANT

VERSUS

DORIS WANYAMA..... RESPONDENT

RULING

1. I have considered the application dated 1/9/2020 under Certificate of Urgency seeking to be heard during the recess. I grant such leave as prayed and certify the application as urgent.

2. On the main/substantive application dated 31/8/2020, seeking for transfer of the appeal from the High Court to the Environment and Land Court Bungoma for hearing and determination, I have perused the grounds in support and the annexed supporting affidavit and the orders by Hon. Justice Musyoka J of Kakamega High Court declining jurisdiction in the matter. I certify the Application as urgent.

3. This being purely an Environment and Land matter, this court has no jurisdiction to entertain the appeal as correctly pronounced by Hon. Musyoka J.

4. I would therefore direct that this appeal be placed before the Environment and Land Court Presiding Judge at Bungoma for further directions/orders in the appeal.

5. Mention before ELC Bungoma on 16/9/2020.

Orders accordingly.

Dated, signed and Delivered at Siaya this 3rd Day of September 2020

R.E. ABURILI

JUDGE