



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CIVIL APPEAL NO. 653 OF 2016**

**MARGARET WANJIRU NDUNGU**

**As Administrator of the Estate of the late Peter Kanari Kabati .....APPELLANT**

**VERSUS**

**KIAMUMBI FARMERS CO-OPERTIVE**

**SOCIETY LIMITED .....1<sup>ST</sup> RESPONDENT**

**KIAMUMBI MULTIPURPOSE CO-OPERATIVE**

**SOCIETY LIMITED ..... 2<sup>ND</sup> RESPONDENT**

*(Being an Appeal from the Judgment and Decree of the Hon. Chairman and Members of the Co-operative Tribunal delivered on 27<sup>th</sup> September, 2016)*

**DIRECTIONS**

This court set today's date for the judgment of this appeal. However, when I retired to prepare the judgment herein I noted the claim set out in the statement of claim dated 18<sup>th</sup> May, 2015 related to a dispute involving a piece of land described as plot 693-B. The claimant sought an allotment of an alternative plot of land in place of the said plot or a monetary compensation of the current value. It is clear therefore that this is a dispute relating to land that falls under the provisions of Environment and Land Court Act. No. 19 of 2011.

The appeal from the Tribunal should therefore have been lodged and heard by the ELC in accordance with Section 13 of the said Act.

Accordingly, I declare lack of jurisdiction and transfer this appeal to the ELC for hearing and determination. The Deputy Registrar shall facilitate the transfer of this record to the said court.

**Dated and delivered at Nairobi this 15<sup>th</sup> day of October, 2020.**

**A.MBOGHOLI MSAGHA**

**JUDGE**