



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAKURU**  
**CIVIL APPEAL NUMBER 107 OF 2013**

**BETWEEN**

**SUPEYO OLE NKAKO .....APPELLANT**

**AND**

**PARMAYIAN OLE NKAKO.....RESPONDENT**

*(Being an appeal from the Judgment and Decree of the Hon. Z. Abdul, Resident Magistrate in Narok dated 29<sup>th</sup> May, 2013 in the Narok Senior Principal Magistrate's Court Civil Case No. 71 of 2011)*

**RULING/DIRECTIONS**

This appeal arises from the judgment of the trial court **RMCC NO. 71 of 2011** delivered on the 29<sup>th</sup> May 2013.

The trial court was based on the sale, use and occupation land **Parcel No. 392 Oloso Olesito Adjudication Section**. The plaintiff now the appellant, sought an order of eviction of the respondent from the suit property and an order of the respondent from the suit property and an order of permanent injunction to restrain the respondent from trespassing or remaining or cultivating or dealing in any manner with the said land parcel.

Being dissatisfied with the trial Magistrate's judgment, this appeal was filed.

From the above background, it is evident that this appeal belongs to the Environment and Land Court whose jurisdiction relate to the use, occupation and title to land.

Practice Direction issued by the Honourable Chief Justice and Gazetted under **Notice No.5178 of the 25<sup>th</sup> July 2014** mandates that all proceedings relating to the Environment and Land Court tht are not part heard by the court be transferred for disposal to the Environment and Land Court.

This is an appeal from a matter touching on land from the Resident Magistrate's Court at Narok. Ordinarily, I would have ordered that the appeal be transferred for hearing before the High Court at Narok. But there is no Environment and Land Court Judge sitting there. I shall therefore order and direct that this appeal be transferred to the Environment and Land Court sitting at Nakuru for hearing and determination.

Parties are to take a mention date before the Environment and Land Court for directions on the hearing of the same.

**Dated, signed and delivered in open court on the 2<sup>nd</sup> June 2016.**

**JANET MULWA**

**JUDGE**

**In the presence of**

Langat for the Appellant

In absence of the respondent

Court Assistant – Linah.