



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL APPEAL NO. 434 OF 1985

JOSECK MUITUNGU.....APPELLANT

versus

EPHANTUS MWANGI.....RESPONDENT

JUDGMENT

This appeal must succeed on the only ground that the learned trial Magistrate had no jurisdiction to deal with the matter as section 159 of Cap 300 Laws of Kenya confers jurisdiction only on the High Court as related to the matters before the learned trial Magistrate. In the circumstances therefore the final order shall be that the proceedings before the learned trial magistrate were a nullity and therefore the respondent shall pay the costs of this appeal to the appellant together with costs in the lower court.

Dated and delivered at Nairobi this 26th day of May, 1998

**A. MBOGHOLI MSAGHA
JUDGE**

Mr Kahonge for the appellant

No appearance for respondent

