



**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL OF KENYA  
AT NAKURU  
Civil Appeal 149 of 1995**

**KIRIKO FARMERS COMPANY LIMITED.....  
.....APPELLANT**

**AND**

**NGENIA FARMERS COMPANY  
LIMITED.....RESPONDENT**

**(Appeal from a decree of the High Court of Kenya at Nakuru (Mr. Justice D.M.  
RIMITA) dated 23rd May, 1995**

**IN**

**CIVIL APPEAL NO. 56 OF 1993)**

**\*\*\*\*\***

**JUDGMENT OF THE COURT**

This is an appeal against the decision of the superior court on appeal from the Principal Magistrate's Court. The only ground of appeal urged was that the trial court had no jurisdiction to hear the case. The suit was for a declaration that the plaintiff was a shareholder together with the defendant in the company and for consequential order to issue to the plaintiff its share therein. The trial court so ordered and the superior court dismissed the appeal.

We see no merit in this appeal. No reason has been shown why the trial court had no jurisdiction. None of the prayers sought was based on the Companies Act or the Registration of Titles Act. Nothing was shown to oust the jurisdiction of the trial court.

Accordingly and, for the reason above stated, the appeal fails and is dismissed with costs.

Dated and delivered at Nakuru this 24th day of September, 1996.

J.E. GICHERU

.....

JUDGE OF APPEAL

R.S.C. OMOLO

.....

JUDGE OF APPEAL

A.A. LAKHA

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR**