

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CIVIL CASE NO 5 OF 1989

OKIAGERA.....APPLICANT

VERSUS

MANYANGE & ANOTHER.....RESPONDENT

RULING

November 23, 1989, V V Patel Judge delivered the following ruling:
This is an application for setting aside the award supported by the applicant's affidavit and his submissions. It is opposed.
I have considered the application. I am not satisfied that any misconduct as required or any other ground for setting aside the award has been established. The application must fail.

I am aware that the award does make a reference to four other persons. This was wrong and I rule that that part of the award be ignored.

There be judgment in favour of the two respondents. Each respondent has marked the area he claims on the land parcel. The Land registrar and the surveyor to survey it at the respondents' expense and register the said each portion in their respective names. The Executive Officer of this court to execute the required documents for this purpose should the applicant refuse to do so.

No order for costs of the suit or the application.

Dated and Delivered at Kisii this 23rd day of November , 1989

V. V PATEL

JUDGE