



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT NYERI**  
**(CORAM: NYARANGI, PLATT & GACHUHI, J.J.A)**  
**CIVIL APPEAL NO. 77 OF 1986**

**BETWEEN**

**MURIITHI KABURU .....APPELLANT**

**AND**

**KABURU MURIITHI .....1ST RESPONDENT**

**WATATUA KABURU .....2ND RESPONDENT**

**(Appeal from the ruling of the High Court of Kenya at Nyeri (Mr. Justice Patel) dated 31st January, 1984**

**in**  
**H.C.C.C No. 130 of 1982)**  
**\*\*\*\*\***

**JUDGMENT OF THE COURT**

The arbitration proceedings were conducted by an Acting Chief instead of the District Officer as per the Order of the Court. The proceedings are therefore a nullity and there is no valid award. Judgment was premature there having been the above objection raised against it as to the validity of the award.

The appeal is allowed with costs and the ruling of the High Court dated 31.1.84 is set aside.

**Dated and delivered at Nyeri this 22nd day of May, 1987.**

**J. O. NYARANGI**

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**JUDGE OF APPEAL**

**PLATT**

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**JUDGE OF APPEAL**

**J. M. GACHUHI**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**