

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO 83 OF 2017

FORMERLY MERU ELC CIVIL APPEAL CASE NO.67 OF 2013

ESTHER MUUMBI KWENGA.....APPELLANT

VERSUS

EDWARD NYAGA MUNYAMBU.....RESPONDENT

RULING

1. Mr. Mutunga, holding brief for E. Kimathi, for the appellant told the court that the respondent had written a letter dated 15th October, 2017 intimating withdrawal of the suit. He felt that the court was not the right forum to hear this matter as it had not been heard by the Embu Provincial Appeals Tribunal before the Tribunal was rendered defunct by the repeal of the Land Disputes Tribunal's Act.
2. Mr. Mutunga, holding brief for the respondent's advocate, told the court that the respondent was not opposed to the intimated withdrawal.
3. I agree that an appeal to this court can only be brought on a point of law after a case has been heard and determined by the Provincial Appeals Committee. This is not the case here.
4. I find that this Appeal is not properly filed in this court. The intimated withdrawal is granted.
5. It is ordered that this file be removed from the list of pending Civil Appeals.
6. It is so ordered.

Delivered in open court at Chuka this **17th day of October, 2017** in the presence of:

CA: Ndegwa

Mutunga h/b E. Kimathi for the Respondent

John Murithi M'Kwenga for the Appellant

P.M. NJOROGE

JUDGE