



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT OF KENYA**  
**AT CHUKA**

**CHUKA ELC CIVIL APPEAL CASE NO 96 OF 2017**

**BORE MUKUNDI KARANI.....APPELLANT**

**VERSUS**

**NABIU BUNDI.....1<sup>ST</sup> RESPONDENT**

**JOSEPH MAGOCI.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. The Eastern Province Appeals Committee on 20.7.2011 delivered its findings and determination in the following terms:

**FINDINGS**

1. Nature of dispute is the whole land and not a boundary.
2. The appellant was the one to cultivate the land in dispute.
3. The first defendant is deceased and the second defendant is present and they were accused together.
4. The land was divided by the first and second defendant
5. The land was sub-divided traditionally and no party is registered under the land.

**RULING**

Appeal accepted

Meru South tribunal award dismissed

The block which was to be registered under the two defendants should be registered under Bore Mukundi Karani.

2. The decision made by the Eastern Province Appeal's Committee was never appealed in this court or its predecessor court (the High Court) within the stipulated time or at all.

3. In the circumstances, it is declared that there is no appeal pending in this case.

4. This matter is marked as disposed of and this file should be removed from the list of appeals pending in this court.

5. It is so ordered.

Delivered in Chambers at Chuka this **10<sup>th</sup> day of October, 2017** in the presence of:

CA: Ndegwa

**P.M. NJOROGI**

**JUDGE**