



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO 92 OF 2017

NICHOLAS KIRAITHE.....1ST APPELLANT

JOHN MWIRIGI MURIIRA.....2ND APPELLANT

MUKWAITI NJERU.....3RD APPELLANT

VERSUS

DICKSON K. DANIEL.....1ST RESPONDENT

MARGRET G. RIMBERIA.....2ND RESPONDENT

RULING

1. The Eastern Province Appeals Committee on 8 .7.2011 delivered its findings and determination in the following terms:

FINDINGS

1. The land was sold without succession of the land
2. The respondent and his wife never attended the land board or signed any document.
3. The deceased who sold the land has no document to show that they attended the land board even his family.
4. Both parties never attended any land board proceedings on the sale of the land.
5. The wife of the deceased who sold this land was not aware of the sale of the land.
6. The tribunal members in the district land tribunal were five (5) but when signing the ruling they were six (6) members.

RULING

This case should be started afresh in the district land tribunal by three (3) or five (5) members.

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 **10th day of October, 2017** in the presence of:

CA: Ndegwa

P.M. NJOROGE

JUDGE