



IN THE COURT OF APPEAL

AT ELDORET

(CORAM: E. M. GITHINJI, HANNAH OKWENGU &

J. MOHAMMED, J.J.A.)

CIVIL APPEAL NO. 67 OF 2016

BETWEEN

DAVID KIPKOECH KOGO.....APPELLANT

AND

ESTHER CHESAINA BEDFORD PIM.....RESPONDENT

(Being an appeal from the Ruling of the High Court of Kenya, Environment

and Land Court at Kitale, (Obaga, J.) dated 19th April, 2016

in

ENVIRONMENT AND LAND CASE NO. 159 OF 2015 (O.S))

JUDGMENT OF THE COURT BY CONSENT

By Consent of **Mr. Wambura**, learned counsel for the appellant and **Ms. Kibonei**, learned counsel holding brief for **Mr. Wanyama** for the respondent, this appeal is marked as settled on the following terms:-

1. The consent, the judgment in Kitale Environment and Land Court Land Case No. 25 of 2014 dated 8th October, 2014 remain valid and binding on the parties.
- 2 The said consent judgment is varied to the extent that the following is added as para. 5 of the consent judgment.

“The plaintiff to transfer the 70 acres to the defendant within six months from 29th May, 2018.”

3. Each party to bear his/her own costs of this appeal.
4. Accordingly and by order of the Court the appeal is struck out from the register of pending appeals.

Made and Dated at Eldoret this 29th day of May, 2018.

E. M. GITHINJI

.....

JUDGE OF APPEAL

HANNAH OKWENGU

.....

JUDGE OF APPEAL

J. MOHAMMED

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.