



**REPUBLIC OF KENYA**  
**IN THE COURT OF APPEAL**  
**AT KISUMU**  
**(CORAM: GICHERU, LAKHA & KEIWUA, J.J.A.)**  
**CIVIL APPEAL NO. 15 OF 1999**  
**BETWEEN**

**WILLIAM ONGINJO KANGA ..... APPELLANT**  
**AND**  
**ERICK OTIENO MAWIRA .....RESPONDENT**

**JUDGMENT OF THE COURT**

The only reason why the learned judge struck out the plaint is because he felt he had no jurisdiction. But the statutory consent has been granted under section 30 of the Land Adjudication Act, Cap.284. This is expressly stated in paragraph 12 of the plaint. Accordingly, the Court clearly had jurisdiction. The learned judge was plainly wrong in declining the jurisdiction. Accordingly, the appeal is allowed. The case is remitted to the superior court for hearing.

**Dated and delivered at Kisumu this 24th day of November, 2000.**

**J. E. GICHERU**  
.....  
**JUDGE OF APPEAL**

**A. A. LAKHA**  
.....  
**JUDGE OF APPEAL**

**M. KEIWUA**  
.....  
**JUDGE OF APPEAL**

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