**Njiru v Raymond**

**Division:** Court of Appeal of Kenya at Nyeri

**Date of judgment:** 13 May 2005

**Case Number:** 259/02

**Before:** Omolo JA

**Sourced by:** LawAfrica

*[1] Land – Land Disputes Tribunal Act – Whether an appeal from the High Court to the Court of Appeal*

*is allowed.*

**Editor’s Summary**

The applicant and the respondent were involved in a land dispute and the same was arbitrated by the

Gichugu Land Dispute Tribunal in accordance with section 3 of the Land Disputes Tribunal Act (18 of

1990).

One of them then appealed to the Provincial Appeals Committee at Nyeri, per the provisions of section 8(1) of the said Act. This Committee decided against the applicant, who then, subsequently, appealed to the High Court, under section 8(9) of the Act. He, however, lost and further appealed to the

Court of Appeal.

The respondent argued that the Act did not provide for such an appeal to the Court of Appeal.

**Held** – While the Act does not specifically provide for a right of appeal from the decision of the High

Court to the Court of Appeal, section 8(9) does not specifically bar such appeals.

Application allowed.

**No cases referred to in judgment**