

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CIVIL APPEAL NO. 14 OF 2016

CORAM: HON. R.E. ABURILI, J

PETRONILLA ANYANGO OWINO AND

JAMES OMONDI (suing as Legal Representative of the Estate

JARED OWINO ODUOL - Deceased.....APPELLANTS

VERSUS

COUNTY GOVERNMENT OF SIAYA.....RESPONDENT

(Being an appeal against Judgment and Decree dated 21.6.2016 in Civil Case No. 87 of 2015

in Siaya Principal Magistrate's Court before Hon. C.A. Okore, Senior Resident Magistrate)

RULING

1. On application by way of a letter dated 12/5/2021 by the appellant's counsel, and upon perusal of the judgment delivered on 31/8/2018, I am in agreement that there is an error apparent on the heading/ citation of the judgment, which error is clerical.

2. The Respondent who is the County Government of Siaya is not named therein and instead, the second appellant Jared Owino Oduol is erroneously named as the Respondent. That error which is clerical is amenable for amendment by this court pursuant to Section 99 of the Civil Procedure Act which stipulates that:

“Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission, may at any time be corrected by the court either of its own motion or on the application of any of the parties.”

3. As the error or mistake in the judgment was occasioned by the court in typing, the same is hereby corrected by this court and the correct parties are hereby named in a fresh signed judgment which is also paragraph-numbered, which is also supplied to the parties and send to Kenya Law for uploading.

4. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 30TH DAY OF JUNE, 2021

R.E. ABURILI

JUDGE