



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**

**MISC APPL NO. 90 OF 2016**

**A.G RIUNGU & COMPANY ADVOCATES.....RESPONDENT**

**-VS-**

**MICHIMIKURU TEA GROWERS SACCO.....RESPONDENT**

**KCB BANK KENYA LIMITED.....INTRESTED PARTY/APPLICANT**

**RULING**

**Review of order**

[1] The significant order sought in the Notice of Motion Application dated 4<sup>th</sup> April 2017 is review or variation of orders made on 4<sup>th</sup> April 2017. The said order was made by Onginjo J. The law as I understand it is that such application should be heard by the court which passed the judgment or made the order. See section 80 of the Civil Procedure Act which provides that:-

***80. Any person who considers himself aggrieved—***

- (a) by a decree or order from which an appeal is allowed by this Act, but from which no appeal has been preferred; or***
- (b) by a decree or order from which no appeal is allowed by this Act, may apply for a review of judgment to the court which passed the decree or made the order, and the court may make such order thereon as it thinks fit. [Underlining mine]***

See also Order 45 rule 2 which requires such applications to be made to the judge who passed the decree or made the order unless such judge is no longer in the station or if is still attached to the station, the judge is precluded by absence or other cause for a period of 3 months next after the application for review is lodged. Onginjo J is still in station and there is nothing which precludes her from hearing this application. This rule serves good purpose and order; it is also in recognition of the need for judges to review their own orders. I also note from the record that the things complained of can only be dealt with by court 3. Accordingly, for those reasons, I direct that this file be transmitted immediately to Onginjo J who shall consider the application dated 4<sup>th</sup> April 2017. It is so ordered.

**Dated, signed and delivered in open court at Meru this 21st day of September 2017**

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**F. GIKONYO**

**JUDGE**

**In the presence of:**

Mr. Riungu advocate for applicant

Mr. Ojiambo advocate for Mr. Kibiti for interested Party

Mr. Kauma for respondents –absent

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**F. GIKONYO**

**JUDGE**