



REPUBLIC OF KENYA



**Mbwika v Muindi (Environment and Land Miscellaneous Application  
E019 of 2024) [2025] KEELC 3436 (KLR) (29 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3436 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E019 OF 2024  
NA MATHEKA, J  
APRIL 29, 2025**

**BETWEEN**

**MONICA MBWIKA ..... APPLICANT**

**AND**

**ESTHER MWIKALI MUINDI ..... RESPONDENT**

**RULING**

1. The application is dated 13<sup>th</sup> January 2025 and is brought under Sections 1A, 1B, 3A and 99 of the [Civil Procedure Act](#) seeking the following orders;
  1. That the Order of the Honourable Court made on 19<sup>th</sup> September, 2024 be amended and/or corrected in respect of the land parcel number to read Mavoko Town Block 3/9291 and not Mavoko Town Block 3/929.
  2. That costs of this Application be provided for.
2. It is based on the annexed Affidavit of Alphonse Muema Mbindyo and on grounds that the Applicant vide the Notice of Motion dated 13<sup>th</sup> March, 2024 erroneously through clerical mistake and/or accidental slip or omission sought to have the Land Registrar Machakos County directed to dispense with the production of the original title deed in respect of land title number Mavoko Town Block 3/929 instead of Mavoko Town Block 3/9291 and thus through an error omitted digit number 1. That it is evident from the grounds appearing on the face of the Notice of Motion dated 13<sup>th</sup> March, 2024 and the annexures to the Affidavit in support sworn on 13<sup>th</sup> March, 2024 being the title deed marked “AMM 1(a),” “AMM 3”, Certificate of Confirmation of Grant marked annexure “AMM 4”, Order marked annexure “AMM 5” and letter marked annexure “AMM 6” that the right title number ought to be Mavoko Town Block 3/9291. That the Land Registrar can only act on the Order bearing land title number Mavoko Town Block 3/9291. That the Honourable Court has powers to grant the orders sought under Section 99 of the [Civil Procedure Act](#).



3. This court has considered the application and the supporting affidavit. The application was served but the Respondent failed to attend court or file any response. I have perused the court file and indeed found that the court granted the applicant by his Notice of Motion dated 13<sup>th</sup> March, 2024 to have the Land Registrar Machakos County dispense with the production of the original title deed in respect of land title number Mavoko Town Block 3/929 instead of Mavoko Town Block 3/9291. All the annexures to the Affidavit in support sworn on 13<sup>th</sup> March, 2024 being the title deed marked “AMM 1(a),” “AMM 3”, Certificate of Confirmation of Grant marked annexure “AMM 4”, Order marked annexure “AMM 5” and letter marked annexure “AMM 6” have the title number as Mavoko Town Block 3/9291. The application is not opposed. I find that the application is merited and grant it as prayed with no orders as to costs as it was undefended.

It is so ordered.

**DELIVERED, DATED AND SIGNED AT MACHAKOS THIS 29<sup>TH</sup> DAY OF APRIL 2025.**

**N.A. MATHEKA**

**JUDGE**

