



**REPUBLIC OF KENYA**

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

**ELC CASE NO. 2 OF 2014 (OS)**

SILAS B.M MAKINYA.....PLAINTIFF

VERSUS

LIVINGSTONE KOOME BARANA.....DEFENDANT

**R U L I N G**

1. On 30th October, 2014 this Court entered judgment against the Plaintiff in the following terms:-

***(1) It is hereby declared that the Plaintiff has become entitled under Section 38 of the Limitation of Actions Act (cap 22 Laws of Kenya) to be registered as a proprietor by adverse possession in lieu of the present registered proprietor of all the parcel of land Known as L.R No. NTIMA/IGOKI/ 3001 which the plaintiff has been in peaceful, undisturbed and uninterrupted possession and occupation since the year 1987.***

***(2) Costs are awarded to the Plaintiff.***

2. On 11th November, 2015 this Court meant to facilitate the Judgment of this Court. However, a typographical error referred to prayer 2 instead of prayer 1 as the prayer which the Court allowed.

3. To correct the consequences of the typographical error, and for avoidance of doubt, it is ordered as follows:-

***i. The Executive Officer of this Court is empowered to execute all documents for transfer of land parcel No. NTIMA/IGOKI/3001 to the plaintiff , So as to give effect to the orders made by this Court on 20th October, 2014.***

***ii. No costs are awarded in this application and the costs granted to the plaintiff in the judgment delivered on 30.19.2014 are set aside at the instance of the plaintiff.***

4. It is so ordered .

**DELIVERED IN OPEN COURT AT MERU THIS 30TH DAY OF NOVEMBER, 2016, IN THE PRESENCE OF :-**

C.A : Daniel /James

Gatari Ringera for the Plaintiff

**P.M. NJOROGE**

**JUDGE**