



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
JUDICIAL REVIEW NO. 18 OF 2014

IN THE MATTER OF: THE ESTATE OF NYUNI KUNYAPA

AND

IN THE MATTER OF: PLOT NO. KWALE/MSAMBWENI 'A' 2164

AND

IN THE MATTER OF: KWALE KADHI'S COURT CIVIL CASE NO.

337 OF 2013

BETWEEN

THE REPUBLIC.....APPLICANT

VERSUS

THE KADHI'S COURT KWALE.....RESPONDENT

AND

1. BAKARI NASSORO CHOMBO

2. MOHAMED JUMA ALI

3. ADRIS JUMA KITALE

4. MOHAMED BAKARI NYUNI

5. BAINA AHAMED SEIF.....INTERESTED PARTIES

KASSIM HAMISI NYUNI.....EX-PARTE

RULING

1. By a letter dated 12th August, 2015 and filed in court on 24th August, 2015, the Advocates for the Applicant sought the courts exercise of the discretion granted to it under section 99 of the Civil

Procedure Act, and rectify a minor error contained in this court's Ruling of 18th March, 2015, Section 99 of the Civil Procedure Act, (Cap 21, Laws of Kenya) says:

“99. Clerical or arithmetical mistakes in Judgments, decrees or orders arising thereon 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.”

2. Reference was made to setting aside the Judgment of the Principal Kadhi dated “2nd May, 2005” in the Ruling of this court delivered on 1st March, 2015. Reference to “2nd May, 2005” was an accidental slip. The proper reference should have been to the Judgment of the Principal Kadhi dated “2nd May, 2013” and **not** “2nd May, 2005”.
3. Save as aforesaid, the Ruling herein dated 1^{8th} March, 2015 is reiterated and affirmed.

Dated, Delivered and Signed at Mombasa this 18th day of November, 2015.

M. J. ANYARA EMUKULE

JUDGE

In the presence of:

Signed in Chambers and released to Registry.