

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

CIVIL CASE NO. 78 OF 1998

TERESINA MUKELE RAPANDO 1ST PLAINTIFF/APPLICANT

SALOME NATSALA MALALA2ND PLAINTIFF/APPLICANT

VERSUS

GRACE OMUKWAYA MALALA.....DEFENDANT/RESPONDENT

RULING

1. By an application dated 13.8.2013, the Applicant has sought orders;

(i). The court be pleased to review its judgment rendered on 4.7.2013.

(ii). That the District Land Registrar Kakamega to cancel registration of title deed to L.R. No. E. Wanga/Malaha/626 in the name of Peter Waswa Rapando and register it jointly in the names of the Plaintiff/Applicants.

2. The application is premised on the grounds listed on the face of it *inter alia*;

(a). There is an error apparent on the face of the judgment.

(b). The Plaintiffs suit against the Defendant were for orders *inter alia* that the court cancels registration of land parcel Nos. E. Wanga/Malaha/626, 627,628,629,630 and 631 to be registered jointly in the names of the Plaintiffs.

(c). The Judgment ordered cancellation of L.R. Nos. E.Wanga/Malaha/627,628,629,630,631 while omitting 626.

3. That I have perused the plaint filed in court on 29th October 1998. At paragraph 6 and 7 thereof, it confirms the claim was for the suit parcels were comprised in E. Wanga/Malaha/626,627,628,629,630 and 631. In the prayers sought, the Plaintiffs asked for transfer of suit parcels 626 – 631 into their names.

4. In my judgment, I did allow the plaintiff's claim and issued an order directed at the District Land Registrar, Kakamega to cancel registrations of the title deeds for land parcel L.R. Nos.E. Wanga/Malaha/627-631 and register them jointly in the names of the Plaintiffs. It is therefore true that there was an error on the record as I inadvertently omitted to include L.R. No. E. Wanga/Malaha/626 in my final order having found in favour of the Plaintiffs.

5. The application for review is therefore merited and is allowed as presented with costs in the cause.

DATED, SIGNED and DELIVERED this 20th day of March 2014

A. OMOLLO

JUDGE.