

IN THE HIGH COURT OF KENYA AT MACHAKOS

CIVIL MISC. APPLICATION NO. 159 OF 2006

REPUBLIC APPLICANT

AGAINST

MAKUENI LAND DISPUTES TRIBUNAL RESPONDENT

AND

1. DAVID MBALUTO KIMEU

2. FILBERT NTHEKANI KIMEU INTERESTED PARTIES

KIIO YUMBYA MBULU *EX PARTE* APPLICANT

R U L I N G

1. The application dated 18/4/2012 seeks orders that this court do review its ruling/orders dated 9/3/2012.
2. According to the affidavit in support sworn by the Applicant, there is an error apparent on the face of the record when the Judge found that there was a consent recorded on 24/07/2005 to withdraw the suit with costs in cause.
3. The application is opposed as per the replying affidavit sworn on 9/10/12 by the Interested Parties. It is contended that there is no error apparent on the record in the ruling dated 9/3/2012 and urged the court to dismiss the application.
4. I have considered the ruling in question. There is no error apparent on the face of the record. The Hon. Judge gave a considered ruling. If there are any erroneous conclusions of law or evidence, that is not a ground for review but a ground for appeal. (*See for example, Francis Origo & Another –vs- Jacob Kumali Mungala (Eldoret H.C.C.A No. 10 of 1980).*)
5. Consequently, the application fails with costs to the Interested Parties.

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B. THURANIRA JADEN

JUDGE

Dated and delivered at Machakos this 26th day of June 2014.

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B. THURANIRA JADEN

JUDGE