

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL SUIT NO. 696 OF 1996

ROSE WANGUI KIMANI.....PLAINTIFF/RESPONDENT

VERSUS

MICHAEL NDUNGU NGINYA.....1ST DEFENDANT

JOSEPH IRUNGU GICHIRI.....2ND DEFENDANT/APPLICANT

RULING

The applicant seeks to review the orders this Court gave on the 4/4/12. I have read the affidavit of Mr. Dola Indidis indicating the error the court made. It is deponed that only a draft notice of appeal was placed in the file dated the 17/12/13. I have seen the No Objection Note dated 30/7/2014 that states that they do not oppose the application dated 17/6/2014 from the Respondent. In light of all these averments and documents attached I find it is in order to review the orders I gave. I therefore review the orders as follows that:-

1. **That the moneys so far deposited by the plaintiff be released to the 2nd defendant pursuant to the order dated 5/12/2003.**
2. **The title deed of land parcel Thika Municipality Block 13/42 registered in the 2nd defendant's name Joseph Irungu Gichiri be released to the 2nd defendant. No orders as to costs.**

Dated, Signed and delivered this 21st Day of November 2014.

R. E OUGO

JUDGE

In the presence of:

.....**PLAINTIFF/RESPONDENT**

.....**1ST DEFENDANT**

.....**2ND DEFENDANT/APPLICANT**

.....**COURT CLERK**