



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Divorce Cause 177 of 2011

S.I.P..... PETITIONER

AND

M.C.P.....RESPONDENT

RULING

The Motion for determination is by the petitioner. It is dated 31st January 2013 and it seeks review of the judgement on record dated 20th December 2012 to correct a number of errors on the face of the record.

The first error relates to the names of the parties. The judgement refers to the petitioner as S.I.P and the respondent as M.C.P.P. It is said that their correct first names are S and M respectively. This position taken in the Motion finds support in the petition. The first names of the parties according to the petition are S and M. However, the certificate of marriage refers to the respondent as Mathew and not Matthew.

The second error is said to relate to the occupation of the petitioner. She is described in the judgement as a radio presenter. The record indicates that when the petitioner testified on 7th June 2012, she described herself as a radio and television presenter. This is also what appears in paragraph 3 of the petition.

The third error is said to relate to the date of the celebration of the marriage. The judgement says that the parties celebrated marriage on 26th December 1997. The petition says that the parties married on 31st May 1989. This is the date appearing in the certificate of marriage attached to the petition.

The third error concerns the number of the children of the marriage. Paragraph 2 of the judgement says the couple had two children, while paragraph 12 talks of three children. Paragraph 12 grants custody of the children to both parents, yet paragraph 2 says that the children have attained majority. The petitioner in her evidence referred to two children, which tallies with paragraph 2 of her petition dated 5th October 2011.

I have perused the record and I am convinced that this is a proper case for review as there are glaring errors on the face of the record. The orders that I am moved to make are:

1. That the first name of the petitioner shall be corrected to read S[...] instead of S[...].
2. That the first name of the respondent shall remain as M, as that is the name that appears in the

marriage certificate. The marriage the petitioner contracted on 31st May 1989 was between her and an individual named M.C.P. It is presumed that this is the marriage that the petitioner seeks to have dissolved, and it is this marriage with MC.P that GBM Kariuki J, as he then was, dissolved.

3. That the date of marriage shall be corrected to read 31st May 1989 instead of 26th December 1997.
4. That paragraph 12 shall be deleted altogether as it is unnecessary as the children of the marriage are adults and the issue of custody should not arise.
5. That the occupation of the petitioner shall be reflected as a radio and television presenter.
6. That there shall be no order as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 18th DAY OF APRIL, 2013.

W. MUSYOKA
JUDGE