



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CIVIL DIVISION**

**CIVIL CASE NO. 2618 OF 1994**

1. **HENRY ROBERT STINSON**
2. **ROBERT SYLVESTER MORTON**
3. **MARIA SUSANA GARDNER** (suing for the estate of **ANTHONY JAMES GARDNER**)
4. **MARIAN ELIZABETH BAINES**
5. **AIME DAWN BAINES** (a minor suing by **MARIA ELIZABETH BAINES**,  
her mother and Next Friend).....**PLAINTIFFS**

**VERSUS**

**VORA PLUMBERS.....DEFENDANT**

**RULING**

1. The Plaintiffs/Decree-Holders herein have sought by **notice of motion dated 19<sup>th</sup> April 2013** a review of the judgment entered herein on 8<sup>th</sup> June 2012 (Nambuye, J). They seek three specific orders –
  - i. **To vary the judgment in order “to include the awards which were not captured in the said judgment in the sum of Stg £ 495,068/80 and KShs 300,000/00, and judgment be entered for the Plaintiffs against the Defendant as prayed in the plaint and as set out in the particulars of loss and damage, the affidavits and submissions filed in the suit”.**
  - ii. **That the errors apparent on the face of the judgment be corrected “and the award of damages recomputed to include the sum of Stg £ 495,068/80 and KShs 300,000/00”.**
  - iii. **That consequently “there be judgment for the Plaintiffs for (the) total sum of Stg £ 526,835/58 (and) KShs 4,348,048/30 plus costs and interest at court rates on the special damages from the date of filing suit, and on the general damages from the date of judgment until payment in full”.**

3. The application is stated to be brought under **sections 3A and 80** of the **Civil Procedure Act, Cap 21** and **Order 45, Rule 1** of the **Civil Procedure Rules, 2010**. It is supported by an affidavit sworn by one **MICHI KARIMI**, a partner in the firm of advocates representing the Plaintiffs.

4. It appears that the application was duly served upon the Defendant. No papers were filed in response. There was also no appearance for the Defendant when the application was heard on 13<sup>th</sup> June

2013 despite service of hearing notice.

5. As the application is unopposed I will allow it as prayed in prayers 2, 3 and 4. The application was occasioned by mistakes of the Court; there will thus be no order as to costs thereof. Those will be the orders of the court.

**DATED AND SIGNED AT NAIROBI THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2013**

**H. P. G. WAWERU**

**JUDGE**

**DELIVERED AT NAIROBI THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2013**