



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Election Civil Suit 1494 of 2007

1. Land and Environmental Law Division
2. Subject of finalized Suit

LR Kiambu Municipality Block 111/163

Fraud

3. Civil Procedure and Practice

Notice of motion 22 May 2008 application to set aside judgment to amend error on the face of the record.

4. Held:

Typing error on the plaint reads year 2007 of the transfer instead of 2001.

Application granted.

7. Advocate.

P.M. Kiura instructed by Riunga Rainji & Co. Advocates for the plaintiff/applicant – present

Steve Kioni Kinya – defendant/Respondent –absent

AMON MUTHAMIA MBUI IGWETA.....PLAINTIFF

VERSUS

STEVE KIONI KINYA..... DEFENDANT

RULING

I. Background

1. This is a finalized suit. I delivered my judgment on 17 April 2008 and entered judgment for the plaintiff on a fraud matter to land.

2. There were fake documents used to impersonate the plaintiff by another who then used the same to transfer land. The plaintiff sought orders to have the land revert back to him.

3. By the courts judgment the prayers were granted.

II: Application 22 May 2008

4. The applicant prays to set aside the judgment in order to have prayer of the plaint be amended to read

29 October 2001 instead of 29 October 2007.

II: Opinion

5. The court notes under Order VA Civil Procedure Rules amendment of pleading cannot be done after judgment (pronounced).

6. I hereby allow the said application and duly set my judgment aside.

7. That leave to amend the plaint be and is hereby granted.

DATED THIS 30TH DAY OF JULY 2008 AT NAIROBI.

M.A. ANG'AWA

JUDGE

P.M. Kiura instructed by Riunga Rainji & Co. Advocates for the plaintiff/applicant – present

Steve Kioni Kinya – defendant/Respondent –absent