

IN THE HIGH COURT OF KENYA
AT KISII
CIVIL CASE NO.298 OF 1997

RICHARD ODIPO OTHIRA PLAINTIFF
VERSUS
SONYACO SACCO DEFENDANT

RULING

The applicant/plaintiff seek court to review its judgment dated 13th November 2002. Court was told that the judgment was entered on the plaint initially filed yet an amended plaint had been filed later. As a result a substantial part of the plaintiff's claim was left out in the judgment.

The application was not opposed. It is clear that there is an error on the face of record since the court entered judgment in the initial plaint filed and not on the amended plaint. The application is therefore allowed. Judgment entered on 13th November 2002 is hereby set aside. Suit be heard a fresh.

Dated 23rd May 2005

KABURU BAUNI
JUDGE

cc. Mobisa

N/A of Applicant.

N/A for Respondent