



**Republic & another v County Land Registrar (Environment and Land Judicial Review Case E001 of 2022) [2025] KEELC 5139 (KLR) (10 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5139 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT AND LAND JUDICIAL REVIEW CASE E001 OF 2022**

**A OMBWAYO, J  
JULY 10, 2025**

**BETWEEN**

**REPUBLIC ..... 1<sup>ST</sup> APPLICANT**

**LUCY WANJIRU NJOKA ..... 2<sup>ND</sup> APPLICANT**

**AND**

**THE COUNTY LAND REGISTRAR ..... RESPONDENT**

**RULING**

**Brief Facts**

1. The Applicant filed the instant application dated 2nd April, 2025 seeking the following orders:
  1. Spent.
  2. Spent.
  3. That this Honourable court be pleased to review and set aside its ruling and order made on 28th March, 2025.
  4. That the Honourable Court be pleased to hear the application for joinder dated 4th December, 2024 afresh after considering the interested party's grounds of opposition, replying affidavit and submissions dated 13th December, 2024.
  5. That the costs of this application be provided for.
2. The Application was based on grounds set out and supported by the Affidavit of Elizabeth Wanjiku Njoka the Applicant herein sworn on 2nd April, 2025. She stated that she sought the court's leave to refer to the pleadings and proceedings together with the ruling delivered on 28th March, 2025. She stated that the said ruling allowed the application for joinder without consideration of her grounds of opposition, replying affidavit and submissions.



3. She further stated that the ruling erroneously stated that the application for joinder was not opposed whereas she had filed and served the same on 13th December, 2024.
4. She stated that the court's failure to consider the said documents amounted to an error under Order 45 Rule 1(b) of the Civil Procedure Rules. She added that it also contravened her rights to fair hearing under Article 50 of *the constitution*. She cited numerous authorities in support of the same and stated that the said ruling needed review. She urged the court to allow the same as prayed.

### **Analysis and Determination**

5. This court has carefully considered the application and the main issue for determination is whether the Applicant is deserving of the review orders sought for.
6. The jurisdiction of this court for review of orders is provided for under Order 45 Rule 1 (1) of the Civil Procedure Rules which provides as follows:

Application for review of decree or order

- (1) Any person considering himself aggrieved-
  - a. by a decree or order from which an appeal is allowed, but from which no appeal has been preferred; or
  - b. by a decree or order from which no appeal is hereby allowed, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or the order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree or order, may apply for a review of judgment to the court which passed the decree or made the order without unreasonable delay.”
7. It is this court's view that the basis of an application for review of an order is on the recovery of new and important matters or evidence which after due diligence, was not within the Applicant's knowledge or could not be produced by them at the time when the order was made. Further an application for review may also be made on account of some mistake or error apparent on the face of the record, or for any other sufficient reason.
8. The Applicant has based this application of review on mistake being an error apparent on the face of record. She claimed that the court failed to consider her replying affidavit, grounds of opposition and submissions in arriving at his ruling on 28th March, 2025. It was her contention that it would be in the interest of justice that the said ruling be reviewed and the application be heard afresh after consideration of the said documents.
9. I have taken the liberty to peruse the court records and indeed the Applicant had filed the said documents which this court did not consider in arriving at its ruling. In the circumstance, this court shall proceed to set aside its ruling dated 28th March, 2025 and direct that the application for joinder be heard a fresh.
10. The upshot of the foregoing is that the Application dated 28th February, 2025 is allowed. There shall be no orders as to costs. It is so ordered. Matter to be mentioned on the 21st of July 2025 for directions.

**SIGNED BY: HON. JUSTICE ANTONY O. OMBWAYO**



**THE JUDICIARY OF KENYA. NAKURU ENVIRONMENT AND LAND COURT  
ENVIRONMENT AND LAND COURT**

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