

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 49 OF 2016

EVERLINE NANGILA WEKESA.....PLAINTIFF

VERSUS

MARTIN BUKAMU.....1ST DEFENDANT

EDWARD BARASA.....2ND DEFENDANT

RULING

1. Judgment having been delivered in this suit on **9th September 2021** the applicant herein brought the instant application for review of the judgment quite promptly on **13th September 2021** and the same was ordered served upon the respondents who never responded within the period given.
2. The application before me is quite straightforward. There is only one ground for the instant application for review: that the land reference number referring to the suit land in the judgment is incorrect.
3. The instant application, though served on the respondents as evidenced by the affidavit of service sworn by one **Raphael Nyongesa Simiyu** on **13th September 2021** is not opposed.
4. It is clear that there was a typographical error and the applicant is right in urging that the proper land reference number is **Kwanza /Kwanza Block 7 /Tonyoto /190** and not **Kwanza /Kwanza/ Tonyoto /190** and that the judgment ought to be reviewed on that basis. Though the two references have been alternately used in the judgment to refer to the same land, the latter reference appears to have cropped up by way of a typographical error in the course of the judgment.
5. The upshot of the foregoing is that I find that the instant application has full merit and I grant the same in terms of **prayer no 2** thereof. Consequently the judgment dated **9th September 2021** is hereby reviewed to the extent that all the references to **LR No Kwanza /Kwanza/ Tonyoto /190** are all substituted with **LR NO. Kwanza /Kwanza Block 7 /Tonyoto /190**.
6. The above mentioned alterations shall be incorporated in a reviewed judgment which shall bear the same date, and issue contemporaneously with, this ruling and for all intents and purposes that reviewed judgment shall henceforth be deemed to be the final judgment of this court in this suit for the purposes of execution proceedings and beyond.
7. Consequently and for the avoidance of doubt and to ensure that only one judgment is on the record in this suit, the judgment of this court dated **9/9/2021** is hereby vacated and substituted with the judgment as reviewed and issued pursuant to this ruling.

It is so ordered.

DATED, SIGNED AND DELIVERED AT KITALE VIA ELECTRONIC MAIL ON THIS 15TH DAY OF SEPTEMBER, 2021.

MWANGI NJORGE

JUDGE, ELC, KITALE.