



REPUBLIC OF KENYA



**Mutua t/a Charlton Auctioneers & another v Omole (Civil Case
E001 of 2020) [2023] KEHC 2102 (KLR) (14 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2102 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CIVIL CASE E001 OF 2020
RE ABURILI, J
MARCH 14, 2023**

BETWEEN

**CHARLES MUTINDA MUTUA T/A CHARLTON
AUCTIONEERS APPLICANT**

AND

ELISHA OCHIENG ODHIAMBO PLAINTIFF

AND

BOOKER NGESA OMOLE DEFENDANT

RULING

1. On 19th December 2022 this court delivered a ruling (sitting in Siaya High Court) granting the Applicant orders that were sought, for provision of security by Mulolongo Police Station for execution of decree.
2. The Applicant is back to court seeking for review of the said orders saying the court misdirected the orders to Mulolongo Police station instead of Syokimau Police station.
3. According to the applicant, this court erred in making such orders.
4. I have perused the Ruling of 19th December 2022 and the application subject of the said Ruling. It is as clear as the day that it was the applicant who made the application seeking for police assistance specifically from Mulolongo Police station and not Syokimau Police station as now alleged.
5. It follows that the error or mistake cannot be visited on this court which made the orders sought. The applicant has not sworn an affidavit to own up his own mistake. Instead, he has made statements imputing mistake on the part of the court which is incorrect and improper.
6. In the premises, I find the application not based on truth. I decline to grant the same and strike it out.



7. The applicant is however at liberty to file a proper application setting out truthful grounds and deposition and not imputing mistake on the court which had no role to play in the mistaken framing of prayers that were granted as prayed.

8. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 14TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

