



**In re Estate of Kararaho Kariuki (Deceased) (Succession Cause  
14 of 1991) [2023] KEHC 3521 (KLR) (20 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3521 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
SUCCESSION CAUSE 14 OF 1991  
RN NYAKUNDI, J  
APRIL 20, 2023**

**BETWEEN**

**VERONICAH WANGUI KARARAO ..... APPLICANT**

**AND**

**MARY RUGURU KARARAO ..... RESPONDENT**

**RULING**

1. The applicant approached this court vide an application dated December 16, 2022 seeking the following orders;
  1. Spent
  2. That the honourable court be pleased to invoke the slip rule and rectify the confirmed grant of the 29<sup>th</sup> November 2022 together with the judgement delivered on 29<sup>th</sup> November 2022 by correcting the applicants name in the property known as Olkalau Farm to read Veronicah Wangui Kararaho instead of Veronicah Wambui Kararao
  3. That costs of this application be provided for.

**The Law**

2. The operative statutory provision is as expressly stated in section 99 of the *Civil Procedure Act* thus: “Amendment of judgment decrees, or orders: clerical or arithmetical mistakes in judgements, decrees or orders or errors arising therein from any accidental slip or omission, may at any time be corrected by the court either of its own motion or on the application of any of the parties.”
3. The judgement of the Court of Appeal in *Mukuru Munge v Florence Shingi Mwawana & 2 others* [2016] eKLR this court stated as follows on the application of the slip rule. “ besides the residential power to reopen a decided case it must be pointed out that under rule 35(1) of the *Court of Appeal*



Rules. (commonly) referred to as the slip rule), the court has power to correct any clerical or arithmetical mistake in its judgement or any error arising therein, from an accidental slip or omission. The court may undertake that correction of its own motion or on the application of any interested person, and at any time whether before or after the judgement has been embodied in an order. The slip rule does not allow the court to sit in judgment on its own previous judgement. Its purpose is to effect correction so as to give effects to the intension of the court when it gave its judgement”

4. Upon considering the application I hereby invoke the slip rule and review the judgement delivered on 29<sup>th</sup> November by replacing the name of Veronicah Wambui Kararaho with that of Veronicah Wangui Kararaho under paragraph 14 b) of the said judgement. I further amend the confirmed grant and the same shall be issued with the amendments accordingly. Each party shall bear its own costs. It is so ordered.

**DELIVERED VIA E- MAIL DATED AND SIGNED ON THIS 20<sup>TH</sup> DAY OF APRIL 2023**

.....

**R. NYAKUNDI**

**JUDGE**

