



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KERUGOYA

ELC CASE NO. 21 OF 2019

IN THE MATTER OF SECTION 38 OF THE LIMITATION OF ACTIONS ACT

AND

IN THE MATTER OF L.R. MWERUA/KIANDAI/282

BETWEEN

DORIS MATHA WACHIRA.....1ST APPLICANT

JAMES NGARUIYA KOINANGE.....2ND APPLICANT

VERSUS

EMILY NUNA NGARUIYA.....RESPONDENT

RULING

The Applicant vide a Notice of Motion brought under **Order 45 rule 1, 2(1) CPR** seeks the following orders:-

- (1) Spent.**
- (2) That the Honourable Court be pleased to review its judgment dated 12th February 2021.**
- (3) That there be no orders as to costs.**

The application is based on two grounds that there is a clerical error on the face of the record and that there is a mistake/error apparent on the face of the judgment. In his affidavit in support of the said application, Mr. Ayub Kabuli Anampiu who is the advocate for the Applicant stated that his clients have acquired L.R. MWERUA/KIANDAI/282 by the doctrine of adverse possession through a judgment of the Court delivered on 12/2/2021. The learned counsel further deponed that upon checking the judgment, he noticed that paragraph 4 of the orders referred to paragraphs 3(a) & (b) above which is an error apparent on the face of the record. He argued that there is no paragraph 3(a) & (b) referred thereto. The Applicant further also stated that his name was on page 2 of the judgment wrongly spelt as Ayub Kabuli Anampiu.

Having carefully considered the said application which is not opposed, I find the same merited and do hereby allow the same with no orders as to costs.

RULING READ, DELIVERED AND SIGNED IN OPEN COURT AT KERUGOYA THIS 8TH DAY OF OCTOBER, 2021.

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E.C. CHERONO

ELC JUDGE

In the presence of:-

1. Applicant/Advocate – absent

2. Respondent/Advocate – no appearance

3. Kabuta, Court clerk – present.