



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

(CORAM: CHERERE-J)

CIVIL APPEAL NO. 98 OF 2019

BETWEEN

EVANGELINE NTHANGA KIRERE.....1ST APPELLANT

JENNIFER NKATHA MARANGA.....2ND APPELLANT

HARRIET KENDI KIRINYA.....3RD APPELLANT

AND

SAMMY MUGAMBI KIRERA.....RESPONDENT

RULING

1) By a judgment dated 12th May, 2020, this court issued the following orders amongst others

[32] The remaining net intestate estate is only 1.0 acres, in consideration that the 1st Appellant is also to be considered as a unit on her own, this court finds that she should get LR No. Abothuguchi/Katheri/2125 measuring 0.50 acres in whole and LR No. Abothuguchi/Katheri/2292 to be shared equally between Jenifer Marangu and Harriet kendi the daughter of Janet Kirera (deceased)

2) Order 45 of the Civil Procedure Rules which as follows:

1. (1) Any person considering himself aggrieved-

(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.

3) In the case of *National Bank of Kenya Limited v Ndongu Njau [1997] eKLR*, the Court of Appeal stated: -

“A review may be granted whenever the court considers that it is necessary to correct an apparent error or omission on the part of the court. The error or omission must be self-evident and should require no elaborate argument to be established. It will not be a sufficient ground for review that another Judge could have taken a different view of the matter. Nor can it be a ground for review that the court proceeded on an incorrect exposition of the law and reached an erroneous conclusion of law. Misconstruing a statute or other provision of law cannot be a ground for review.”

4) The Identity card annexed to the affidavit in support of the application dated 02.07.2021 demonstrate that:

Evangeline Nthanga Kirera is officially known as Evangeline Nthanga M’Kirera

Jennifer Nkatha Maranga is officially known as Jeniffer Nkatha Marangu

Harriet Kendi Kirinya is officially known as Harriet Kendi Kiriinya

5) From the foregoing, I am persuaded that the error or omission must be self-evident and that there is sufficient ground for review.

6) In the end, the judgment dated 12th May, 2020 is reviewed in the following terms:

1. The name Evangeline Nthanga Kirera is substituted with Evangeline Nthanga M’Kirera

2. The name Jennifer Nkatha Maranga is substituted with Jeniffer Nkatha Marangu

3. The name Harriet Kendi Kirinya is substituted with Harriet Kendi Kiriinya

DATED IN MERU THIS 09TH DAY OF DECEMBER, 2021

T.W. CHERERE

JUDGE

Court Assistant - Morris Kinoti

For Appellants - Mr. Mburugu for Wilson P. Mburugu & Co Advocates

For Respondent - N/A