



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**REVISION CASE NO.47 OF 2015**

**VIVIAN CHEMNGETICH.....PLAINTIFF**

**VERSUS**

**DAVID KIRUI.....DEFENDANT**

**REVISION**

1. On the 27th day of February, 2015, this Children's matter was brought to this court's attention by the trial magistrate. Upon calling for the court file and upon examination of the record, this court was satisfied that the record shows that there is an irregularity that needs correction.
2. There appears to be no copy of a Ruling delivered on the 11th December, 2014 in the court record yet there are orders and warrants of arrest emanating therefrom.
3. There being no Ruling, any proceedings or actions founded on the nonexistent ruling are not only bad in law but also irregular and a nullity.
4. When exercising its powers of revision, this court can correct such an irregularity "*suo moto*"
5. To correct this irregularity, this court makes the following orders:
  - i) All orders emanating from the Ruling are hereby vacated and the warrants of arrest against the Defendant herein are hereby lifted.
  - ii) The matter to proceed before any other court with competent jurisdiction apart from court No.12.
  - iii) The parties are directed to proceed to list the main suit for hearing.
  - iv) Hearing date to be given on a priority basis

Orders accordingly.

**Dated, Signed and Delivered at Nakuru this 12th day of March, 2015.**

**A. MSHILA**

**JUDGE**