



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO. 253 OF 2013

WINFRED KAGENI BUNDI.....PLAINTIFF

VERSUS

THE DISTRICT LAND ADJUDICATION AND SETTLEMENT

OFFICER TIGANIA EAST.....1ST DEFENDANT

ATTORNEY GENERAL CHAMBERS MERU.....2ND DEFENDANT

R U L I N G

This application is dated 11th May, 2015. It seeks orders:

1. ***THAT the Honourable Court do certify this application as utmost urgent in the first instance.***
2. ***THAT this Honourable Court do issue an order to allow the application be heard out of time limit as plaintiff was committed to civil jail and could not have acted.***
3. ***THAT this Honourable Court do review the ruling/order issued on or 4th December 2014 (set aside) by judge as plaintiff was improperly heard and defective land documents used to obtain the ruling.***
4. ***THAT this Honourable Court do issue an order after allowing paragraph 1, 2, 3 that my constitutional rights as enshrined in our constitution of Kenya 2010 article 40 bill of right chapter four and article 159 and 160 (1) were violated and ruling never complied with the law as article 10 refers.***
5. ***THAT the cost of this application be condemned on defendants***

On 4th December, 2014, this court dismissed this suit in its entirety. In another ruling on the same day, this court declared itself *functus officio*. I also stated:

“In view of the plaintiff's propensity, nay, penchant to traduce others with alacrity and veritable abandon, and to indulge her, I declare that I will not participate, for personal reasons, in any future proceedings, if they will be there, in which the plaintiff will be a party.”

The request that the Court should re-hear this suit is untenable. It comes after the horse has already bolted from the stable. The suit was dismissed on 4th December, 2014. I do not have any jurisdiction to do what is being requested by the applicant. Jurisdiction is either there or it is not. It can not be contrived. A court of law can not sit as an appellate Court concerning a decision it has made.

I do note that in a letter addressed to the Deputy Registrar of this court filed in Court on 21st April, 2015 seeking to have the applicant appoint one Michael Kungu Kigia as her Attorney, the Deputy Registrar of this Court did instruct the Executive Officer of this court to notify the plaintiff as follows:

“Advice the Plaintiff that her suit has already been dismissed. See ruling of 4.12.2014”.

The plaintiff is aware that her suit was dismissed on 4.12.2014. As I have already stated, I cannot contrive jurisdiction to grant the orders sought by the plaintiff or even to entertain the application. In the circumstances, the application is dismissed with no order as to costs.

It is so ordered.

Delivered in Open Court at Meru this 12th day of May, 2015 in the presence of:

Daniel/Lilian

Winfred Kageni Bundi – Applicant

P. M. NJOROGE

JUDGE