

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

CIVIL SUIT NO. 113 OF 2011

CHARLES WEPUKHULU..... APPELLANT

VERSUS

BUNGOMA TEACHERS SAVINGS & CREDIT SOCIETY.....RESPONDENT

RULING

1. The application before court is dated 1st April, 2015 brought pursuant to Section 3, 3A and 63 (e) of the Civil Procedure Act and Order 45 Rules 1 & 2 of the Civil Procedure Rules. The application seeks for the proceedings, ruling and Court Order of 10th March 2015 be reviewed and set aside and costs provided, the reason that there is an apparent error on the face of the record as the said ruling related to a matter that had already been dealt with.
2. The application was not opposed and at the hearing Mr. Kassim for the applicant contended that the application dated 6th March, 2012 had been dealt with and a ruling made and that what was pending was a preliminary objection dated 24th November 2011.
3. I have considered the application before court and it is clear that this is an error as the application of 16th March, 2012 was dealt with and a ruling delivered on the 9th of December, 2014.

What needs to be considered is the preliminary objection now pending.

For the above reasons the ruling of 10th March, 2015 is therefore set aside. Costs in the cause.

Dated at Bungoma this 10th day of JUNE 2015.

ALI-ARONI

JUDGE.