

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MURANG'A

CIVIL APPEAL NO 74 OF 2013

(FORMERLY NYERI HC CIVIL APPEAL NO 36 OF 2010)

(Appeal from Decree passed on 24/02/2010 in Murang'a PMCC 199 of 2008 – J. Gathuku, RM)

PAUL KURIA WAMAE.....APPELLANT

VERSUS

CAROLINE MUTHONI KABAE.....RESPONDENT

O R D E R

15/07/2015

Coram: Waweru, J in chambers

COURT: It has come to my notice that this appeal (Murang'a HC Civil Appeal No 74 of 2013 – formerly Nyeri HC Civil Appeal No 36 of 2010 – Paul Kuria Wamae -vs- Caroline Muthoni Kabae) had been consolidated with Murang'a HC Civil Appeal No 87 of 2013 – formerly Nyeri HC Civil Appeal No 37 of 2010 – David Nduati Wambiri -vs- Caroline Muthoni Kabae - by an order entered on 13/05/2014 in Civil Appeal No 87 of 2013. This fact was not brought to my attention when learned counsels made submissions before me on 09/03/2015.

As a result, I prepared judgment in respect of only one appeal – Civil Appeal No 74 of 2013 – Paul Kuria Wamae -vs- Caroline Muthoni Kabae. But because of mislabelling of the files at the registry, the title of the appeal in the judgment appeared erroneously as Civil Appeal No 87 of 2013 – David Nduati Wambiri -vs- Caroline Muthoni Kabae.

In the circumstances, and by the court's own motion, the necessary amendments to the judgment will be made under **section 99** of the *Civil Procedure Act, Cap 21*.

A separate judgment will be prepared and delivered in respect to Civil Appeal No. 87 of 2013. It so ordered.

DATED AND SIGNED AT MURANG'A THIS 15TH DAY OF JULY 2015

H P G WAWERU

JUDGE