



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

JUDICIAL REVIEW APPLICATION NO. 19 OF 2013

**IN THE MATTER OF AN APPLICATION BY FELIX KIAMBI GITURU FOR LEAVE TO
APPLY FOR THE ORDER OF MANDAMUS**

AND

**IN THE MATTER OF LAND PARCELS NOS. ABOGETA/U-KIUNGONE 1302 WHICH
SHARES BUNDARIES WITH LAND PARCEL NO. ABOGETA/U-KITHANGARI/40**

AND

**IN THE MATTER OF SECTION 18 & 19 OF LAND REGISTRATION ACT 2012 LAWS OF
KENYA**

FELIX KIAMBI GITURU.....EX-PARTE APPLICANT

VERSUS

LAND REGISTRAR MERU SOUTH DISTRICT.....RESPONDENT

BENARD MUGAMBI M'MURAA.....INTERESTED PARTY

RULING

This application is predicated upon Section 99, Civil Procedure Act and Order 51 Rule 1 of the Civil Procedure Rules and all other enabling provision of the law. It seeks orders:

1. ***THAT the Order issued on 3rd July 2014 be corrected and/or rectified to remove typographical errors indicating Land registrar Meru South instead of Land Registrar Meru Central.***
2. ***THAT the costs of this application be provided for.***

The application is buttressed by the affidavit of **FELIX KIAMBI GITURU** and has the following grounds:

- a) ***It was erroneously and accidentally stated that the Land Registrar Meru South instead of the Land Registrar Meru Central to resurvey Land Parcels No. ABOGETA/U-KITHANGARI/40 and ABOGETA/U-KIUNGONE 1302 and deal with the boundary dispute to ascertain each parties boundary and allow the succession cause to proceed with the exact portion of acreage of the above mentioned parcels of land.***
- b) ***THAT the said order cannot be implemented as it is and it is therefore necessary to***

correct the accidental slip and/or error.

c) THAT no prejudice will be suffered by the residents.

On 5.11.2015, Mr. Nyenyire told the Court that the application was merely meant to make a small correction to enable the applicant serve the orders issued by this Court on 3rd July, 2014 on the Land Registrar, Meru Central, instead of the wrongly cited Land Registrar, Meru South.

Mr. Nyenyire told the court that the application was not opposed. I agree. Mr. Kieti for the Respondent told the Court that he was not opposed to the application.

In the circumstances, the application is allowed.

Costs shall be in the cause.

It is so ordered

Delivered in Open Court at Meru this 5th day of November, 2015 in the presence of:

Cc. Lilian/Daniel

Nyenyire for the Applicant

Kieti for the respondent

P. M. NJOROGE

JUDGE