



**IN THE COURT OF APPEAL  
AT NAIROBI  
(CORAM: TUNOI & PALL, J.J.A. & BOSIRE, Ag. J.A.)  
CIVIL APPEAL (APPLICATION) NO. 99 OF 1988**

**BETWEEN**

**JOHN KINUTHIA GITHINJI .....APPELLANT**

**AND**

**GITHUA KIARIE**

**LUCY WAMAITHA**

**SAMUEL KIARIE .....RESPONDENT**

**(Appeal from the judgment of the High Court of Kenya at  
Nairobi (Mr. Justice A. Akiwumi) dated the 23rd day  
of August, 1988**

**in**

**P. & A. CAUSE NO. 583 OF 1981)**

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**RULING OF THE COURT**

By Notice of Motion dated 19th August, 1996 the applicant asks this Court to review its judgment delivered on 12th April, 1995 in Nairobi Civil Appeal No. 99 of 1988. The application is expressed to be brought under rules 1(3), 31 and 5(2) (b) of the Rules of this Court and section 3(2) of the Appellate Jurisdiction Act.

This Court being a creation of statute enjoys only such jurisdiction as is conferred on it by statute. The power to review its completed judgment was not given to the court. Neither has it any inherent jurisdiction. This application is incompetent and is ordered struck out for want of jurisdiction. The costs of this application are awarded to the respondents.

**Dated and delivered at Nairobi this 14th day of October, 1996.**

**P. K. TUNOI**

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**JUDGE OF APPEAL**

**G. S. PALL**

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**JUDGE OF APPEAL**

**S. E. O. BOSIRE**

.....

**JUDGE OF APPEAL**

I certify that this is a  
true copy of the original.

**DEPUTY REGISTRAR**