



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Arika v Wemba (Civil Appeal E039 of 2022)
[2025] KEHC 18963 (KLR) (19 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18963 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
CIVIL APPEAL E039 OF 2022
TA ODERA, J
DECEMBER 19, 2025**

BETWEEN

JOSEPHAT OCHAMI ARIKA APPELLANT

AND

JARED ONG'ONDI WEMBA RESPONDENT

RULING

1. The applicant filed this case seeking the following orders:
 - a. The Honourable Court be pleased to issue orders that the Applicant is awarded interest on the decretal amounts herein which interest shall run from the date of the lower court judgement to the date of full payment;
 - b. Upon grant of Order No. '2' above, the Honourable Court be pleased to correct the judgement of 14.11.2024 accordingly;
 - c. Costs of this Application be in the Court's discretion;
2. The application is based on the grounds that the court rendered a judgment herein on 14.11.24 awarding compensatory relief to the applicant. The court was however silent on the issue of interest, operative dates i.e. date(s) of commencement of calculation of interest, and rate thereof. The Applicant, vide the instant application, prays that the Honourable makes express Orders clarifying and curing the omission on the issue of interest, operative dates i.e. date(s) of commencement of calculation of interest, and rate thereof;
3. Counsel filed submissions and cited the case of Gideon Sitelu Konchellah v Julius Lekakeny Ole Sunkuli & 2 others [2018] eKLR where was held that [10] Be that as it may, as a court of Law, we have a duty in principle to look at what the application is about and what it seeks. It is not automatic that for any unopposed application, the Court will as a matter of course grant the sought orders. It behooves



the Court to be satisfied that prima facie, with no objection, the application is meritorious and the prayers may be granted. The Court is under a duty to look at the application and without making any inferences on facts point out any points of law, such as any jurisdictional impediment, which might render the application a non-starter. We see no such jurisdictional issue in the application before us.

4. Counsel also cited the case of Wamwere & 5 others v Attorney General (Petition (Application) 26 of 2019 & Petition 34 & 35 of 2019 (Consolidated)) [2023] KESC ,26 (KLR) (21 April 2023) (Ruling) Musembi & 13 others (Suing on their own behalf and on behalf of 15 residents of Upendo City Cotton village at South C Ward, Nairobi) v Moi Educational Centre Co. Ltd & 3 others (Application EO19 of 2021) [2022] KESC 19 (KLR) (Civ) (19 May 2022) (Ruling), Highway Furniture Matt Ltd versus the Permanent Secretary office of the President & Another (2006) eKLR, Panthion Limited v Industrial and Commercial Development Corporation [2008] eKLR) and Supinder Singh Sagoo v Kenya Commercial Bank Limited [2021] eKLR. Supinder Singh Sagoo v Kenya Commercial Bank Limited [2021] eKLR.
5. I have carefully considered the application and the submissions by counsel for the applicant
The issues for determination are whether the application disclosed issues for amendment and what orders should be issued herein.
6. Section 99 of the *Civil procedure Act* provides that -Clerical or arithmetical mistakes in judgments, decrees or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the court either of its own motion or on the application of any of the parties. The court thus has powers to correct such errors arising from slip or omission as was held in the aforesaid case of Gideon Sitelu Konchellah v Julius Lekakeny Ole Sunkuli & 2 others [2018] eKLR.
7. On the issue of interest, the court omitted to award the same as rightly pointed out by counsel and it is trite law the monetary decrees attract interest from a date to be determined by the court. I proceed to allow the application on the4 following terms, interest on the principal sum is granted at 14 % per annum. The same shall run from the date of the lower court judgment till payment in full. The judgment dated 14.11.24 is thus accordingly corrected.

DELIVERED VIRTUALLY VIA TEAMS PLATFORM IN THE PRESENCE OF:

T.A ODERA

JUDGE

19.12.25

Court Assistant- Matiko

