



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAIROBI

ELC SUIT NO. E397 OF 2024

**CATHERINE WANGUI MWANGIH
PLAINTIFF**

-VERSUS-

**NAIROBI CITY COUNTY GOVERNMENT.....1ST
DEFENDANT**

**HON. JAMES KARANJA KARIUKI.....2ND
DEFENDANT**

**SAMUEL NGANGA RUA3RD
DEFENDANT**

**INSPECTOR-GENERAL OF
THE NATIONAL POLICE SERVICE..... 4TH
DEFENDANT**

**OCS KAMULU POLICE STATION.....5TH
DEFENDANT**

**ATTORNEY GENERAL.....6TH
DEFENDANT**

RULING

1. By a Notice of Motion dated 4th December 2025, brought under Sections 1A, 1B, 3A, and 99 of the Civil Procedure Act, Orders 45, 51 Rule 1, and 51 Rule 3 of the Civil Procedure Rules, the Plaintiff seeks the following orders:

a. That this Honourable Court be pleased to rectify and/or correct the Ruling delivered on 23rd May 2025, and the consequential Order issued on 9th October 2025, to reflect and conform to the prayers accurately sought in the Applicant's Notice of Motion Application dated 25th September 2024.

b. That this Honourable Court be pleased to issue a corrected Order that is fully consistent with, and reflective of, the reliefs sought and canvassed by the parties.

c. That the rectification do issue pursuant to Section 99 of the Civil Procedure Act, the error and/or omission being clerical, accidental, and apparent on the face of the record.

d. THAT the costs of this Application be provided for.

2. The application is based on the grounds appearing on its face together with the supporting affidavit of Catherine Wangui Mwangih, sworn on the same date.

THE APPLICANT'S CASE

3. The Applicant averred that pursuant to a ruling delivered on 23rd May 2025, the court issued an injunction restraining the

Respondents from trespassing upon, entering, remaining on, interfering with, or otherwise dealing adversely with the property known as Title No. Nairobi/Block 118/1544, pending the hearing and determination of the suit.

4. The Applicant contends that upon review of the ruling and the extracted order, a clerical error is apparent on the face of the record. While the application sought injunctive relief in respect of Title No. Nairobi/Block 118/1544, the ruling and the consequential order erroneously refer to Nairobi/Block 118/544. The Applicant contends that the error does not reflect either the pleadings before the Court or the Court's intention at the time of the ruling.
5. She argued that the correction sought is purely clerical, does not require reconsideration of the merits, and is necessary to ensure the enforceability and integrity of the Court's orders.
6. She further averred that no prejudice will be suffered by the Respondents if the application is allowed, whereas failure to correct the error would result in prejudice to the Applicant.
7. Though duly served, the Respondents did not file any response to the application.

ANALYSIS AND DETERMINATION

8. Having considered the application, the only issue for determination is whether the misdescription of the suit property in the ruling delivered on 23rd May 2025 and the order issued on 9th October 2025 constitutes a clerical error

capable of correction under Section 99 of the Civil Procedure Act.

9. Section 99 of the Civil Procedure Act provides that clerical or arithmetical mistakes in judgments, decrees, or orders, or errors arising from any accidental slip or omission, may at any time be corrected by the court, either on its own motion or upon the application of any party
10. It is not in dispute that Nairobi/Block 118/544 was neither the subject of the application nor of the suit before the Court.
11. The Court is satisfied that the reference to Nairobi/Block 118/544 was a clerical or accidental slip. Correcting the error would merely align the ruling and order with the Court's clear and undisputed intention at the time the ruling was delivered. The correction sought does not alter the substance of the decision, nor does it reopen or revisit the merits of the application determined on 23rd May, 2025.
12. In light of the foregoing, I find that the application dated 4th December 2025 is merited and is hereby allowed as follows:
 - a. The Ruling delivered on 23rd May 2025, and the consequential Order issued on 9th October 2025 are hereby corrected by deleting the reference to "Nairobi/Block 118/544" and substituting it with "Nairobi/Block 118/1544".***
 - b. A corrected ruling and order shall issue accordingly.***
 - c. Costs in the cause.***

**RULING SIGNED, DATED, AND DELIVERED VIA MICROSOFT
TEAMS THIS 27TH DAY OF FEBRUARY, 2026.**

.....
HON. T. MURIGI
JUDGE

IN THE PRESENCE OF

Muthoni Kinuthia for the Plaintiff

Ahmed - Court Assistant

ORIGINAL