



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT KITALE

LAND CASE NO. 152 OF 2016

KENNEDY KHISA KUNDU.....PLAINTIFF

VERSUS

JOHN KUNDU KHISA.....DEFENDANT

R U L I N G

1. The application dated 13/12/2017 seeks an order that the error apparent on the face of the record be rectified. It also seeks that a stay of the eviction of the defendant be granted until further orders of this court.
2. I must state here that it is incumbent upon an applicant in an application such as the instant one not only to point out with specificity in what page, what paragraph and what line an error on the face of the record is to be found but also to demonstrate that such error has an effect on the way the ruling or order should be read or interpreted. In the absence of that specificity no orders can issue.
3. I have scrutinized the application, the grounds at its foot and the supporting affidavit sworn by the plaintiff on 13/12/2017. I have found no evidence given of any error on the face of the record. In the absence of any information on the above from the plaintiff applicant, I have examined the ruling of this court dated 13th November 2017 and found no error on the face thereof.
4. As for the other prayer of stay in the application, I find that issues raised therein were raised in the application dated 16/10/2015 and they should not be entertained here for the second time. They are res judicata.

I therefore dismiss the application dated **13/12/2017** with costs to the defendant/respondent.

Dated, signed and delivered at Kitale on this **22nd** day of **March, 2018**.

MWANGI NJOROGE

JUDGE

22/3/2018

Coram:

Before - Mwangi Njoroge, Judge

Court Assistant - Picoty

Mr. Bisonga for the Plaintiff

N/A for defendant

COURT

Ruling read in open court.

MWANGI NJOROGE

JUDGE

22/3/2018