



**Kiraithe v John; Kastilal & another (Interested Parties) (Environment & Land Case 73 of 2015) [2024] KEELC 436 (KLR) (31 January 2024) (Ruling)**

Neutral citation: [2024] KEELC 436 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MERU  
ENVIRONMENT & LAND CASE 73 OF 2015  
CK NZILI, J  
JANUARY 31, 2024**

**BETWEEN**

**JACKSON KIRAITHE ..... PLAINTIFF**

**AND**

**THOMAS KINOTI JOHN ..... DEFENDANT**

**AND**

**BALDEV KUMAR KASTILAL ..... INTERESTED PARTY**

**QUADOCO ONE HUNDRED AND SIXTY - NINE LIMITED ..... INTERESTED PARTY**

**RULING**

1. The court is asked by an application dated 19.6.2023 to correct some typing errors appearing in the judgment for the implementation of this court's decree.
2. Specifically, the applicant decree holder has identified parcels No.614 and 699 as omitted; misdescribed suit land; and the wrongful inclusion of 629 instead of L.R No. 299.
3. Further, the applicant has flagged off the date of gazette No.2771 as 13.5.2019 instead of 13.5.1999.
4. The applicant terms the identified items as clerical errors, which this court should rectify under Section 99 of the *Civil Procedure Act* and Order 51 of the *Civil Procedure Rules*.
5. It is not in dispute that the plaintiff filed an amended plaint dated 6.8.2004, where the suit property was described as L.R No.7143, now L.R No. Timau/Timau/Block 7/1-763, parcels No's 283, 578, 613, 614, 625, 626, 628 and 699. In the evidence tendered at the hearing, the applicant led evidence in line with the said pleadings. Paragraphs 1, 50, and 88 of the judgment are not in tandem with the amended plaint and paragraphs 3, 32, 52, 57, and 61 of the judgment.



6. Consequently, and in the exercise of powers of this court under Sections 99 and 100 of the *Civil Procedure Act*, I allow the application. An amended judgment and a decree shall be issued reflecting the above changes. There will be no order as to costs.

**DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT MERU ON THIS 31<sup>ST</sup> DAY OF JANUARY 2024**

**In presence of**

C.A Kananu/Mukami

Miss Kerubo for Nyaga for applicant

Mr. Kariuki for 5<sup>th</sup> & 6<sup>th</sup> respondents

**HON. CK NZILI**

**JUDGE**

