



Mbori & another v Oria (Being a legal representative of the Estate of the Late Chrysanthus Onyuka - Deceased) (Environment & Land Case 35 of 2021) [2024] KEELC 272 (KLR) (31 January 2024) (Ruling)

Neutral citation: [2024] KEELC 272 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 35 OF 2021
GMA ONGONDO, J
JANUARY 31, 2024**

BETWEEN

JOSIAH OUMA MBORI 1ST PLAINTIFF

SAMUEL OUKO MBORI 2ND PLAINTIFF

AND

EDWARD ODHIAMBO ORIA (BEING A LEGAL REPRESENTATIVE OF THE ESTATE OF THE LATE CHRYSANTHUS ONYUKA - DECEASED) DEFENDANT

RULING

1. The plaintiffs who are represented by Gordon Ogola, Kipkoech and Company Advocates have sought amendment of this Court's Judgement delivered on 3rd October 2023 (the Judgment) to enable them implement the court orders appropriately.
2. In their letter reference number GOK/ELC/50/20 dated 21st December 2023, the plaintiffs stated that paragraphs 5(d) and 35 of the judgement refer to HomaBay Land Registrar instead of Rachuonyo Land Registrar.
3. It is noticed that the suit land title number West Kasipul/Kasimba/474 falls within the domain of Rachuonyo Land Registrar.
4. I take into account the entire record in this suit and sections 59 and 60(1)(o) of the *Evidence Act* chapter 80 Laws of Kenya.
5. In the circumstances, I find that there is an arithmetical mistake in paragraphs 5(d) and 35 of the judgement.



6. This court has the mandate to correct the said mistake as provided for under sections 3, 3A and 99 of the *Civil Procedure Act* chapter 21 Laws of Kenya; See also *Charles Karathe Kiarie and 2 others versus Administrator of the Estate of John Waliace Mathare (deceased) and 2 others* Civil Application No. 4 of 2020 (2020) eKLR.
7. Wherefore, paragraphs 5(d) and 35 of the judgment of this court delivered on 3rd October 2023 herein, be and are hereby corrected to read “Rachuonyo” instead of “HomaBay” accordingly.
8. It is so ordered.

DELIVERED, DATED AND SIGNED AT HOMABAY THIS 31ST DAY OF JANUARY 2024.

G.M.A ONG'ONDO

JUDGE

Present.

Luanga Terence, Court Assistant.

