



**Arati, Governor, County Government of Kisii & 4 others v Omao & 4 others
(Civil Appeal E101 of 2024) [2024] KECA 1539 (KLR) (29 October 2024) (Order)**

Neutral citation: [2024] KECA 1539 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CIVIL APPEAL E101 OF 2024
HM OKWENGU, HA OMONDI & JM NGUGI, JJA
OCTOBER 29, 2024**

BETWEEN

**HON PAUL SIMBA ARATI, GOVERNOR, COUNTY GOVERNMENT OF
KISII 1ST APPELLANT
COUNTY GOVERNMENT OF KISII 2ND APPELLANT
COUNTY SECRETARY, KISII COUNTY 3RD APPELLANT
KISII COUNTY PUBLIC SERVICE BOARD 4TH APPELLANT
ALFRED ONGIRI NYANDIEKA 5TH APPELLANT**

AND

**VINCENT MARIITA OMAO 1ST RESPONDENT
DAVID MANGONDI SENEMA 2ND RESPONDENT
THE CLERK, KISII COUNTY ASSEMBLY 3RD RESPONDENT
THE SPEAKER, KISII COUNTY ASSEMBLY 4TH RESPONDENT
KISII COUNTY ASSEMBLY 5TH RESPONDENT**

(Being an Appeal from the Judgment of the Employment and Labour Relations Court at Kisumu, (Radido, J.) dated 24th January, 2024 in ELRC Petition No. E014 of 2023)

ORDER

1. This matter was heard by this Court and a Judgment delivered on 11th October, 2024. By a letter dated 17th October, 2024, the advocate for the appellants Odhiambo Oronga & Company Advocates wrote to this Court pointing out that there was an error on the face of the record at paragraph 32 of the judgment and requested that the same be amended under Rule 35(1) of the [Court of Appeal Rules](#).



2. We have since perused the judgment and have confirmed with regret that indeed there is an error on the judgment as the appellant having succeeded in the appeal, the last line in paragraph 32 of the judgment should have read “the 1st and 2nd respondents shall pay the costs of the appeal to the appellants and to the 3rd, 4th and 5th respondents.”

Accordingly, we amend the judgment under Rule 37(1) of the *Court of Appeal Rules, 2022* (formerly Rule 35 of the *Civil Procedure Rules, 2010*), to read: “the 1st and 2nd respondents shall pay the costs of the appeal to the appellants and to the 3rd, 4th and 5th respondents.”

It is so ordered.

MADE AT KISUMU THIS 29TH DAY OF OCTOBER, 2024.

HANNAH OKWENGU

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JUDGE OF APPEAL

H. A. OMONDI

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JUDGE OF APPEAL

JOEL NGUGI

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JUDGE OF APPEAL

I certify that this is a true copy of the original

DEPUTY REGISTRAR

