



**Kabiru v Embakasi Ranching Company Ltd & another (Environment and Land Case Civil Suit E253 of 2022) [2024] KEELC 4088 (KLR) (15 May 2024) (Ruling)**

Neutral citation: [2024] KEELC 4088 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT AND LAND CASE CIVIL SUIT E253 OF 2022  
LN MBUGUA, J  
MAY 15, 2024**

**BETWEEN**

**GODFREY NGUGI KABIRU ..... PLAINTIFF**

**AND**

**EMBAKASI RANCHING COMPANY LTD ..... 1<sup>ST</sup> DEFENDANT**

**CHIEF LAND REGISTRAR OF TITLES NAIROBI ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. The Plaintiff's application dated 7.11.2023 is for determination. He seeks a review of this court's judgment of 31.10.2023 awarding him 2 plots, so as to award him the 4 remaining plots sought in the plaint namely; plots/parcel No P1270 being Nairobi Block 105/4236, P1270-B being Nairobi Block 136/17029, P127-B being Nairobi Block 136/17018 and P1271-B being Nairobi Block 136/17019 situated at Ruai within Embakasi Ranching Company Limited Settlement Scheme.
2. The application is based on grounds on its face and on the Plaintiff's supporting affidavit sworn on 7.11. 2023. He avers that in its judgment of 31.10.2023, the Honourable Court awarded him only 2 plots out of the 6 plots he claimed. He contends that the finding was in error since the court did not take into account that the allotment of the bonus plots, arose from the original share certificates of the original plots, hence the same was denoted by letter B of the allotment plot numbers.
3. He adds that further proof of ownership of the bonus plots is also noted from the computer numbers as captured in the receipts. He points out that for share certificate 8351, the computer number is 277450 and for share certificate 5238, the computer number is 59625 and the said computer numbers do not change in all the receipts for each particular plot/parcel of land including the bonus plots that emanate from the original plots.
4. Apparently, no responses were filed in respect of the application at hand.



5. I have considered all the arguments raised by the plaintiff. He seeks a review of the judgment entered herein on 31.10.2023 on the basis that there is an error on the face of the record. The Legal framework for review of judgments is Section 80 of the [Civil Procedure Act](#) and Order 45 of the [Civil Procedure Rules 2010](#).
6. Courts have held that an error or mistake apparent on the face of the record is one that is self-evident and does not require elaborate arguments to be established. In the case of [Moses Kipkolum Kogo v Nyamogo & Nyamogo Advocates](#) [2000] eKLR it was held that;  

“There is a real distinction between a mere erroneous decision and an error apparent on the face of the record. Where an error on a substantial point of law stares one in the face and there could reasonably be no two opinions, a clear case of error apparent on the face of the record would be made out. An error which requires to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.”
7. The Plaintiff argues that the court did not take into account that the allotment of the bonus plots arose from the original share certificates of the original plots. It is on that basis that he argues that he was entitled to 6 plots claimed in the plaint and not the 2 that this court found he was entitled to vide its judgment of 31.10. 2023.
8. The orders sought are however akin to asking the court to sit on appeal of its own decision as the applicant believes that the court should have reached a different conclusion. Those are matters fit for appeal rather than review, as it would require elaborate reasoning for the court to reach another conclusion. In the circumstances, the application dated 7.11.2023 is found to have no merits, the same is hereby dismissed with no orders as to costs.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15<sup>TH</sup> DAY OF MAY, 2024 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

In the presence of:-

M/s Kima holding brief for Mageto for Plaintiff

Court assistant: Eddel

