



Ramogi v Great Lakes University of Kisumu; Odhiambo t/a Jenks Auctioneers (Interested Party) (Cause 2 of 2022) [2025] KEELRC 1804 (KLR) (19 June 2025) (Ruling)

Neutral citation: [2025] KEELRC 1804 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU
CAUSE 2 OF 2022
NZIOKI WA MAKAU, J
JUNE 19, 2025**

BETWEEN

PAUL ODHIAMBO RAMOGI DECREE HOLDER

AND

GREAT LAKES UNIVERSITY OF KISUMU JUDGMENT DEBTOR

AND

KENNETH ODHIAMBO T/A JENKS AUCTIONEERS INTERESTED PARTY

RULING

1. The Applicant filed a motion seeking review of the orders of the Court made on 18th February 2025 for errors apparent on the face of the record. The errors were said to be typographical and arithmetical.
2. The Judgment Debtor and the Interested Party opposed the motion indicating the Court was functus officio. It was asserted by the Judgment Debtor that this Honourable Court is functus officio, and further that:
 - (i) The Applicant claims to the effect that there has been a substantive error differs significantly from the findings of this Court, and the same is a material departure from the Court decision.
 - (ii) The Court's analysis and decision should not be mistaken for an error on the face of the record; rather, the Applicant is vastly mistaken in this regard.
 - (iii) The Honourable Court arrived at its figures based on the evidence presented before it and made its findings based on the cumulative evidence available.
3. The interested Party on its part asserted that the motion was not fit for grant. It was argued that the said application is misconceived and constitutes an abuse of the due process of the law. That the Applicant's application for review has been filed way too long after the Ruling was delivered by this Court on 18th



February 2025 and that the delay is inordinately too long. That the Applicant, having found itself out of time to file an appeal to the Court of Appeal, has opted to file for review in an attempt to cure their lack of action. That there is no error apparent on the face of the record, to warrant the prayers sought in the application herein. The Interested Party asserts that the Ruling of the Court as delivered on 18th February 2025 is sound and that the Court correctly found the Interested Party (the Auctioneer) to have breached the law in undertaking the execution. The Applicant has not demonstrated any fault in that ruling. Finally, that this application is frivolous and without any basis at all and ought to be dismissed with costs.

4. The Employment and Labour Relations Court (Procedure Rules) 2024 under Rule 75 makes provision as follows:-

"The Court shall, at the request of the parties or on its own motion, cause any clerical mistake, incidental error or omission to be rectified and shall notify the parties of such rectification."

5. The powers of the Court are in addition to the power of review under Rule 74. That means that any there is room for an application to correct errors meaning the court is not functus officio. The Court has reviewed the orders made and notes fundamental errors in the date of the decree where instead of 22nd November 2022, the same is indicated as 2nd November 2022. This is an error the Court could correct even without application of a party under the slip rule.
6. The motion seeks the recalculation of the sum indicted as being owed in respect of the decretal sum. From a plain reading, it is clear that the Court fell in error when indicating the dates which must of necessity be corrected as the correct date is 22nd November 2022. The issue regarding the calculations is more agonising. The sum that was owed as at the time of the application subject of this review motion was Kshs. 1,164,986/- meaning that after deducting the proceeds of the auction of the pick-up, the sum left as a balance was Kshs. 264,986/-. Additionally, the Interested Party was required to refund a sum of Kshs. 340,000/-. The sums in the Ruling of the Court therefore were erroneous and therefore amenable to correction as being arithmetical errors. The Court therefore grants the motion with no order as to costs.

Orders accordingly.

DATED AND DELIVERED AT KISUMU THIS 19TH DAY OF JUNE 2025

NZIOKI WA MAKAU, MCI Arb.

JUDGE

