



Kitamaiyu Limited v China Ghansu International for Technical Corporation Company Limited; Credit Bank Limited (Objector) (Environment & Land Case 128 of 2018) [2024] KEELC 7259 (KLR) (29 October 2024) (Ruling)

Neutral citation: [2024] KEELC 7259 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT THIKA
ENVIRONMENT & LAND CASE 128 OF 2018**

**JG KEMEI, J
OCTOBER 29, 2024**

BETWEEN

KITAMAIYU LIMITED PLAINTIFF

AND

CHINA GHANSU INTERNATIONAL FOR TECHNICAL CORPORATION COMPANY LIMITED DEFENDANT

AND

CREDIT BANK LIMITED OBJECTOR

RULING

1. The Application before Court is the one dated the 23/5/24 brought by the Objector seeking Orders as follows;
 - a. That the Court be pleased to review the Ruling delivered on 28/9/2023.
 - b. That the Court be pleased to review and replace the words of para 42 and 43 of the said Ruling as follows;
 - “ 42. In the end the Application has merit.
 43. It is dismissed with costs in favor of the Objector.”
2. The Application is premised on the grounds annexed thereto and the Supporting Affidavit of Maureen Maitai who introduced herself as the Counsel in conduct of the matter on behalf of the Objector. She reiterated that it is in the interest of Justice that the Ruling be corrected to reflect the true spirit and tenor of the decision of the Court. That the Court agreed wholly with the Objector’s Application and hence there is an obvious error on the face of the record.



3. On the 23/10/24 the Application came for hearing whereupon the Plaintiff (Decree Holder) and the Judgment Debtor informed the Court that they were not opposing the Application.

4. Section 99 of the *Civil Procedure Act* read together with Section 3A of the *Civil Procedure Act* donates power to this Court to make corrections of errors in Judgments and Orders to meet the ends of justice. Section 99 of the *Civil Procedure Act* provides as follows;

“99. Amendment of Judgments, Decrees or Orders Clerical or arithmetical mistakes in Judgments, Decrees or Orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Court either of its own motion or on the Application of any of the parties.”

5. Guided by the above provisions of the law, the Ruling delivered on the 28/9/2023 be and is hereby corrected to read as follows;

“42. In the end the Application has merit.

43. It is allowed with costs in favor of the Objector.”

6. Orders accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA THIS 29TH DAY OF OCTOBER, 2024 VIA MICROSOFT TEAMS.

J G KEMEI

JUDGE

Delivered online in the presence of;

Ms. Nyakiana HB Nganga for Plaintiff

Kibaara for the Judgment Debtor

Ms. Abiaza HB Ms. Maitai for the Objector

Court Assistants – Phyllis/Oliver

