



REPUBLIC OF KENYA



**Fara & another v Verge & another (Environmental and Land Originating
Summons 39 of 2019) [2024] KEELC 6906 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEELC 6906 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIROMENTAL AND LAND ORIGINATING SUMMONS 39 OF 2019
FM NJOROGE, J
OCTOBER 22, 2024**

BETWEEN

EDWARD TOYA FARA 1ST PLAINTIFF

PHILEMON MUGANGA TSORI 2ND PLAINTIFF

AND

JIMMY VERDE VERGE 1ST DEFENDANT

BEACH VILLAS LIMITED 2ND DEFENDANT

RULING

1. Judgment in this matter, in favour of the plaintiff, was delivered on 16th July 2021 in favour of the plaintiffs.
2. The plaintiff has approached this court by Notice of Motion application dated 21/5/2024 under Section 3A of the [Civil Procedure Act](#) with the following prayers:
 - a. Spent.
 - b. This Honourable Court be pleased to issue an order for rectification of the decree issued on 16/7/2021 by amending/rectifying and/or correcting the description of the suit property from MW/III/414 Kikambala to read MN/III/414 Kikambala.
3. The application is premised on the grounds at the foot of it and the supporting affidavit sworn by Philemon Munganga Tsori.
4. Despite service by way of substituted service vide the Standard Newspaper of Friday 24th November 2023, the Defendants, just as in the main suit where they failed to enter appearance, failed to file any response to the application. The Application is therefore unopposed and I grant it in terms of prayers nos 1, 2 and 3 thereof.



**RULING DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON
THIS 22ND DAY OF OCTOBER 2024.**

MWANGI NJOROGE

JUDGE, ELC, MALINDI

