



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Meme v Maroo (Civil Appeal E117 of 2021)  
[2024] KEHC 1744 (KLR) (22 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1744 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CIVIL APPEAL E117 OF 2021  
TW CHERERE, J  
FEBRUARY 22, 2024**

**BETWEEN**

**HARRISON MEME ..... APPELLANT**

**AND**

**CHARLES MAROO ..... RESPONDENT**

**RULING**

1. By judgment dated 23<sup>rd</sup> June, 2022, this court made the following orders:
  1. The award of general damages in the sum of Kshs 1,000,000/- is set aside and substituted with an award of Kshs 200,000/- (two hundred thousand)
  2. Special damages remain as awarded by the trial court.
  3. Appellant is awarded costs of the appeal.
2. By summons dated 03<sup>rd</sup> August 2022, sought orders that the decretal sum due to the Respondent be paid from the sum of Kshs 1,000,000/- deposited in court by the Applicant and the balance be released to the Appellant/Applicant.
3. On 19<sup>th</sup> September, 2023 this court directed that the decretal sum, costs of the suit and the of the appeal be paid to the Respondent from the deposited sums and the balance be released to the Appellant/Applicant.
4. Having considered the application for review dated 29<sup>th</sup> April, 2023, I notice that the orders dated 19<sup>th</sup> September, 2023 contain an error apparent on the face of the record on two issues.
  1. The court did not give any order concerning interest
  2. The costs of appeal were awarded to the Applicant



5. In the case of *National Bank of Kenya Limited v Ndungu Njau* [1997] eKLR, the Court of Appeal stated: -

“A review may be granted whenever the court considers that it is necessary to correct an apparent error or omission on the part of the court. The error or omission must be self-evident and should require no elaborate argument to be established. It will not be a sufficient ground for review that another Judge could have taken a different view of the matter. Nor can it be a ground for review that the court proceeded on an incorrect exposition of the law and reached an erroneous conclusion of law. Misconstruing a statute or other provision of law cannot be a ground for review.”

6. Consequently, the orders dated 19<sup>th</sup> September, 2023 are reviewed in the following terms:

1. The decretal sum, interest thereof and costs of the trial due to the Respondent shall be drawn from the aggregate sum of Kshs 1,000,0000/- deposited by Appellant/Applicant and interest thereof
2. The balance and interest thereof shall be released to the Appellant/Applicant

**DATED AT MERU THIS 22<sup>ND</sup> DAY OF FEBRUARY 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**

Court Assistants - Kinoti/Munene

For Appellant - Ms. Mwangi for Kimondo Gachoka & Co. Advocates

For Respondent - Ms. Asuma for Mutembei & Kimathi Advocates

