

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

(Coram: Mutunga, CJ; Rawal, DCJ; Tunoi, Ibrahim, Ojwang, Wanjala & Njoki, SCJJ)

PETITION NO. 21 OF 2014

-BETWEEN-

GEORGE MIKE WANJOHIAPPELLANT

-AND-

1. STEVEN KARIUKI.....1ST RESPONDENT

**2. THE INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION.....2ND RESPONDENT**

3. MILLAM WANJIRU GACHIHI.....3RD RESPONDENT

(Being an Appeal from the judgment and decree of the Court of Appeal of Kenya at Nairobi in Civil Appeal No. 272 of 2013 (Maraga, Gatembu & Mohammed JJ.A), dated 18th March, 2013)

ORDER

During the preparation of the Judgment herein and in the final conference of the Judges before delivery of the Judgment, it had been agreed that, paragraphs 59 and 60 of the judgment and the first sentence in paragraph 63 should be deleted.

However, due to an error and inadvertence, the said paragraphs were not deleted and were subsequently read out and pronounced during the delivery of the judgment. Also, in view of our findings and determination on costs in paragraph

124 of the judgment, the 2nd Respondent is to bear the costs of the 1st Respondent; The Appellant is to bear his own costs.

In exercise of the powers of this Court as donated by Section 21(4) of the Supreme Court Act, we propose to amend the defect/error in our judgment as stated above. The said provisions state as follows:-

General Powers.

21. (1). . .

(2) . . .

(3). . .

(4) Within fourteen days of delivery of its judgment, ruling or order, the Court may, on its own motion or on application by any party with notice to the other or others, correct any oversight or clerical error of computation or other error apparent on such judgment, ruling or order and such correction shall constitute part of the judgment, ruling or order of the Court.

As a result we hereby order the deletion of paragraphs 59, 60; the first sentence in paragraph 63 of the judgment; the deletion of the phrases “*the appellant in addition to*”, and “*that the 2nd respondent bear the costs of the appellant and the 1st respondent in this matter*” appearing in paragraph 124 of the Judgment.

The judgment is accordingly amended and the numbering of the paragraphs shall be adjusted accordingly. This Order shall constitute part of the judgment of the Court.

DATED AND SIGNED AT NAIROBI ON THIS 29TH DAY OF MAY 2014

.....
WILLY MUTUNGA
CHIEF JUSTICE & PRESIDENT
OF THE SUPREME COURT

.....
K.H. RAWAL
DEPUTY CHIEF JUSTICE/
DEPUTY PRESIDENT OF
THE SUPREME COURT

.....
P.K. TUNOI
JUSTICE OF THE SUPREME
COURT

.....
M.K. IBRAHIM
JUSTICE OF THE SUPREME
COURT

.....
J.B. OJWANG
JUSTICE OF THE SUPREME
COURT

.....
S.C. WANJALA
JUSTICE OF THE SUPREME
COURT

.....
S.N. NDUNGU
JUSTICE OF THE SUPREME COURT

I certify that this is a true
copy of the original.

REGISTRAR
SUPREME COURT OF KENYA