



**M'mboga & another v Kagumba; Autogari Kenya Limited (Intended Interested Party) (Environment and Land Miscellaneous Application E080 of 2022) [2023] KEELC 19157 (KLR) (27 July 2023) (Ruling)**

Neutral citation: [2023] KEELC 19157 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E080 OF 2022  
LN MBUGUA, J  
JULY 27, 2023**

**BETWEEN**

**IAN GONJI M'MBOGA ..... 1<sup>ST</sup> APPLICANT**

**MEGERIA KIBUCHI MAGERIA ..... 2<sup>ND</sup> APPLICANT**

**AND**

**BENJAMIN KIMERIA KAGUMBA ..... RESPONDENT**

**AND**

**AUTOGARI KENYA LIMITED ..... INTENDED INTERESTED PARTY**

**RULING**

1. I find that the contemnor was found in contempt of court way back on 27.10.2022, that is also the date when a notice to show cause was issued as to why he should not be punished for contempt.
2. The proceedings on the Notice to Show Cause eventually proceeded on 5.7.2023 and both the contemnor and his advocate addressed the court on the issue.
3. Today's date was reserved for the ruling on the Notice to Show Cause proceedings; basically, the sentencing aspect.
4. For the application allegedly filed on 13.7.2023, the court has not given directions on the same. Thus the issue of considering documents filed by the contemnor in response to that application does not arise.
5. On the Court of Appeal matter; the issues there in are in the domain of that Court. I will say no more on the matter before the court of Appeal.



6. In the circumstances, the court will proceed to deliver its ruling.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 27<sup>TH</sup> DAY OF JULY, 2023 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

**In the presence of:**

Chawla for Respondent

Ambala for the two Applicants

Contemnor

Court Assistant: Eddel

