



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
LAND CASE NO 26 OF 2013

JOHN MURIUNGI MUGWIKAPLAINTIFF/APPLICANT

VERSUS

CHARITY MPINDA M'MUGWIKA.....DEFENDANT /RESPONDENT

R U L I N G

This application is dated 23rd March, 2016 and seek orders: -

1. ***THAT this Honourable Court be pleased to certify this application as very urgent and hear the same on priority basis.***
2. ***THAT this Honourable Court be pleased to order the defendant to be detained in prison for a period not exceeding six (6) months for disobedience of the orders issued on 30th September, 2015 which orders one is aware of there existence (sic).***
3. ***THAT this Honourable Court be pleased to issue any other expedient and appropriate orders in the circumstances.***
4. ***THAT costs incidental to this application be provided for.***

The application is supported by the affidavit of JOHN MURIUNGI MUGWIKA the Plaintiff.

When the application was slated for interpartes hearing on 21/4/2016, the alleged Contemnor, the defendant, Charity Mpinda was in Court. The plaintiff's Advocate was not in Court. I opine that contempt proceedings can spawn serious consequences which can entail the jailing of an alleged Contemnor . The Advocate representing the party alleging Contempt must ensure his presence in Court during contempt proceedings.

The alleged Contemnor Charity Mpinda has denied that she has disobeyed Court orders. She has undertaken not to disobey Court orders. Mr. Rimita, her Advocate, has also reiterated her innocence. He has undertaken to tell his client, the defendant, not to disobey Court Orders.

I take the absence of the Advocate representing the alleged Contemnor seriously. As the alleged Contemnor has denied that she disobeyed Court orders, and by undertaking not to disobey Court orders, has satisfied the Court that she respects Court Orders, **I deem it necessary to have the application marked as settled.**

I award no order as to costs.

It is so ordered .

DELIVERED IN OPEN COURT AT MERU THIS 21ST DAY OF APRIL, 2016 IN THE PRESENCE OF :-

CC: Danile/Lilian

Otieno C. h/b Mr. Gichunge

P.M. NJOROGI

JUDGE