



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

E&L NO. 83 OF 2015

BOARD OF GOVERNORS CONSOLATA HOSPITAL.....PLAINTIFF

VERSUS

LAWRENCE MUNGIIRIA.....DEFENDANT

R U L I N G

1. This Ruling concerns an application dated 12th July, 2016 and seeks orders:-

(1) THAT the Honourable Court be pleased to certify this application of utmost urgency and to hear it on priority basis and ex-parte and in the 1st instance.

(2) THAT the Honourable Court be pleased to issue an order that the defendant LAWRENCE MUNGIIRIA be detained in prison for a term not exceeding six months for disobeying a Court

2. The application is supported by the Affidavit of Father Cyrus Mwiti and has the following grounds:-

1. THAT the Defendant has disobeyed the Court Order of interlocutory injunction issued on 23rd September, 2015

2. THAT the Defendant has entered and started committing waste and also constructing on land Parcel Number NKUENE/TAITA/559 and therefore this application warrants expeditious hearing to curb further wastage.

3. On 27/07/2016 the parties reached a Consent in the following terms:-

“BY Consent of the parties and their respective Advocates Kindly record the following consent.

(a) The Defendant shall purge the contempt by ceasing/stopping any further construction or any form of development on the disputed parcel of land being NKUENE/TAITA/ 559.

(b) The Defendant shall cease any form of trespass upon the disputed land i.e NKUENE/TAITA/559.

(c) Meanwhile the matter be mentioned within 6 weeks to record a consent , (if any), on account of the pending application and the entire suit.

4. This consent is adopted as an order of this Court.

5. Further directions will be issued on 21st September, 2016 .

6. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 28TH DAY OF JULY 2016 IN THE PRESENCE OF:-

CC: Lilian/Daniel

Mutuma for the Plaintiff

Mutegi for the Defendant

P.M. NJOROGE

JUDGE