

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MACHAKOS

ELC CASE NO.73 OF 2009

NTHENGU MUIA MUTUUPLAINTIFF/ RESPONDENT

VERSUS

NDETO KYALO.....DEFENDANT/APPLICANT

R U L I N G

1. On 8.6.09 Lenaola J. made an order that ***“status quo be maintained”*** and application was fixed for hearing on 17.9.09. The status quo was never explained or intimated as to what it entailed. On 25.3.2013 the Applicant filed Chamber Summons seeking to have Respondent jailed for 6 months on alleged breach of court orders dated 24.10.2012 the attached order did not indicate what it prohibited. It only stated ***that “should she breach court order she will be liable to imprisonment....”*** Which order she was deemed to violate or breach? Same was not extracted or attached.
2. In the grounds and supporting affidavit, it is alleged that the Respondent has continued to disobey all court orders. No actions are narrated with dates and particulars of breach are set out nor are the ***“orders”*** breached indicated or attached. The parties should adhere to maintaining the status quo ordered. If there is any breach of the same, the particulars of breach and date should be furnished to court.
3. The court finds no merit in the application canvassed by way of written submissions and makes the following orders.
 1. Application be and is hereby dismissed.
 2. Costs in the main cause.
 3. Parties to comply with order 11 and fix hearing of case on priority basis.

Dated and Delivered at Machakos, this 20th day of February, 2015.

CHARLES KARIUKI

JUDGE