



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
LAND AND ENVIRONMENT COURT

CIVIL CASE NO. 287 OF 2013

CECILIA GACHONGA MUKUNJA.....1ST PLAINTIFF/APPLICANT

JACOB MWENDA MUKUNJA.....2ND PLAINTIFF/APPLICANT

ZAVERIO KINOTI MUKUNJA.....3RD PLAINTIFF/APPLICANT

VERSUS

PASKASIO MUKUNJA NKONGA.....DEFENDANT/RESPONDENT

R U L I N G

This application is dated 2nd December, 2014 and seeks orders that:

a) This application be heard on priority basis and urgently.

b) The Honourable Court be pleased to grant leave to the applicant to bring contempt proceedings against the respondent who has disobeyed lawful court orders.

c) The Court do issue such further orders as may meet the ends of justice in this matter.

d) Costs of this application be provided for.

The application has the following grounds:

(i) Leave of the court to bring contempt proceedings is mandatory.

(ii) It is, therefore, imperative that the same be granted as a pre-requisite to an application for contempt.

During directions on 16.9.2015, the applicant urged that the application be allowed. Mr. Leekona for the respondent asked the Court to give the matter another date for directions as he did not have the case file.

I do opine that the application is merely procedural and if granted will not prejudice the respondent as he will have ample opportunity to be heard during the contempt proceedings. I, therefore, allow the application in terms of prayer b.

The parties will obtain a date for directions from the registry after the substantive application for contempt proceeding is filed and responded to or in default of a response, the plaintiffs will be at liberty

to obtain the apposite date for directions.

I direct that the alleged contemnor be personally served with the intended application.

It is so ordered.

Delivered in Open Court at Meru this 16th day of September, 2015 in the presence of:

Cc. Lilian

Dickson Kimathi h/b Miss E. G. Mwangi for the Applicant

Leekona for the Respondent.

P. M. NJOROGE

JUDGE