



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL APPEAL NO.112 OF 2012

RUTH NKUENE.....1ST APPELLANT/RESPONDENT

PAUL M'ARIMI.....2ND APPELLANT/RESPONDENT

VERSUS

JOHNSON KINYUA.....RESPONDENT/APPELLANT

RULING

This application is dated 16th July, 2014 and seeks orders that:

- (a) The honourable court be pleased to hear this application urgently.**
- (b) The honourable court be pleased to cite the respondent for contempt of court orders made on 24th December, 2012.**
- (c) The honourable court be pleased to commit the respondent to civil jail for a period of 6 months and order the cancellation of the title deed issued to the buyer of the suit land.**
- (d) The honourable court be pleased to make other orders that may be deemed expedient in the circumstances.**
- (c) Costs be provided for.**

The application was supported by the affidavit of Johnson Kinyua, the Respondent/Applicant and on the following grounds:

- (a) THAT the honourable court made an order on 24th December, 2012 staying the execution of judgment and decree in respect of P.M.C.C. No. 83 of 2011 (Nkubu).**
- (b) THAT despite being served with the said order the respondent has blatantly disobeyed, refused and persists in such refusal to obey this court. That the respondent has transferred the suitland NO.ABOGETA/L-CHURE/1163 which is the subject matter in this suit to a 3rd party.**
- (c) THAT the respondent's actions are contemptuous of the court's order and unless she is cited for contempt the authority and integrity of the court shall be put into question**

On. 22.7.2014 the advocate for the applicant told the court that the contemnor Ruth Nkuene

had purged her contempt through a consent by the parties whose terms the parties wanted adopted as an order of this court. The consent is in the following terms:

“By consent:

- 1. L. R. No. Abogeta/L-Chure/1163 be rectified by deleting/cancellation of the names of Stephen Mutai Manyara and the same to revert into the names of Ruth Nkuene, the first appellant herein.**
- 2. An order of inhibition do issue to inhibit any dealing over L. R. No. Abogeta/L-Chure/1163 pending hearing and determination of this Appeal.**
- 3. Costs be in the cause”**

The consent is signed by Advocate Gikunda Anampiu for the Appellant and Advocate L. Kimathi Kiara for the Respondent.

The terms of the consent are adopted as orders of this court and through the consent, the contemnor, Ruth Nkuene, is deemed to have purged the contempt. She is present in Court and she has been warned that any future disobedience of court orders will attract stern action.

It is so ordered.

Delivered in Open Court at Meru this 22nd day of July, 2014 in the presence of:

Cc. Daniel

Kimathi for Respondent/Applicant

Muthamia for Appellant/Respondent

P. M. NJOROGE

JUDGE