



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA

AT MERU

ELC NO. 259 OF 2013

JOSHUA MBOGORI IKIARA.....PLAINTIFF

VERSUS

HENRY GATOBU.....DEFENDANT

**R U L I N G**

This application by the plaintiff is dated 21.7.2014 and seeks orders:

1. **THAT** *this application be certified urgent and be heard in the first instance.*
2. **THAT** *this Honourable court be pleased to give leave to the Plaintiff/Applicant herein to cite the Defendant/Respondent for contempt of court.*
3. **THAT** *an order of committal be made against the Defendant/Respondent to prison for such period as this Honourable court may deem fit and just in that the said Defendant/Respondent has disobeyed the orders made herein by this Honourable court on 20th October, 2013.*
4. **THAT** *this Honourable court be pleased to make further orders as it may deem just and fair.*
5. **THAT** *costs be borne by the Defendant/Respondent.*

It has the following grounds:

1. **THAT** *the Honourable Judge Lesiit in Meru environment and Land Case No. 259 of 2013 made an order on 2nd October 2013 prohibiting(sic).*
2. **THAT** *the Respondent was served with the aforesaid court order on (sic)*
3. *Despite being duly served with the said order, the Defendant/respondent has adamantly failed and/or refused to comply and obstinately breached this honourable Court's order.*
4. **THAT** *the said breach extremely undermines the dignity and authority of this honourable court.*
5. **THAT** *the Applicant herein has suffered greatly due to this breach.*

On 22nd October, 2014 when the matter came up for directions, the plaintiff stated that he wanted to

withdraw the application. The defendant did not oppose the withdrawal. In the circumstances, the application is hereby withdrawn.

Costs shall be in the cause.

**Delivered in Open court at Meru this 22nd day of October, 2014 in the presence of:**

Cc. Daniel/Lilian

Thibaru for the plaintiff/applicant

Mbogo h/b E. G. Mwangi for the Defendant/Respondent

**P. M. NJOROGE**

**JUDGE**