



**REPUBLIC OF KENYA**

**High Court at Kisumu**

**Civil Case 25 of 2011**

**ATANAS OLIECH GWAKO.....PLAINTIFF**

**VERSUS**

**RICHARD ODHIAMBO.....DEFENDANT**

**R U L I N G**

Upon perusal of the application dated 7-9-2011 I am of the considered opinion that the same ought to be served personally upon the defendant. My observation is based on the fact that the firm of Obara & Obara & Co. Advocates seemed not sure whether to act for the defendant or not. Their application dated 27-10-2011 to cease acting for the defendant is still pending.

Further, the orders sought are squarely to affect the respondent in person. The contempt proceedings are quasi criminal in nature and therefore it is imperative that the defendant personally should serve the respondent.

I shall allow the applicant to serve the respondent/defendant with the application dated 9-9-2011. The hearing notice can still be served upon the counsel on record.

**Dated, signed and delivered at Kisumu this 15<sup>th</sup> day of October 2012**

**H.K. CHEMITEI**

**JUDGE**

In the presence of:

Otieno for Opondo for the plaintiff

Ogune for Kesh for the defendant

*HKC/va*