



**REPUBLIC OF KENYA**

**High Court at Kisumu**

**Civil Suit 161 of 2010**

**JACKSON ESITIKA suing as the administrator of the estate of**

**DORA OKISA MUNYAMA.....PLAINTIFF**

**VERSUS**

**NEREAH ANDENYI.....1ST DEFENDANT**

**PERUS AMIMO .....2ND DEFENDANT**

**LEONARD INDIATSI.....3RD DEFENDANT**

**HENRY OTIENO ABWAO .....4TH DEFENDANT**

**RULING**

The Notice of Motion dated 4th June 2011 prays for leave to commence contempt proceedings against the defendants. Although the same is praying for other substantive prayers, the applicants counsel at the arguing of this application dwelt largely on the 1st prayers, for leave.

The affidavit of Jackson Esitika shows that the 1st respondent was served alone. There is also the attached photographs exhibiting some construction work going on in the suit property.

The defendant has opposed application vide the grounds of opposition dated 25<sup>th</sup> June 2012.

I have perused the said application as well as the grounds of opposition, I am inclined to grant the applicant prayer (1) thereof, that is leave to institute contempt proceedings against the respondent. The other issues raised by the respondent shall be determined at the time when the substantive application shall have been filed. Costs in the cause.

**Dated, signed and delivered at Kisumu this 14<sup>th</sup> day of November 2012.**

**H.K. CHEMITEI  
JUDGE**

**In the presence of:**

Ouko for Mwamu for the applicant

P. J. Otieno for Odeny for the defendant

*HCK/aao*