



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Miscellaneous 1059 of 2004**

**HARRISON MAINGI .....APPLICANT**

**V E R S U S**

- 1. S.T. MUGACHA (T/a Galaxy Auctioneers)**
- 2. B. N. KAMAU, ADVOCATE**
- 3. DANIEL NZIOKA .....RESPONDENTS**

**R U L I N G**

Contempt of court proceedings, by their very nature, are urgent. Once instituted, they ought to be prosecuted expeditiously and without undue delay. Such proceedings are intended to enforce the authority and dignity of the court, hence the need for them to be disposed of with dispatch.

An application to commit the Respondents to jail for contempt of court was filed herein by **notice of motion dated 22<sup>nd</sup> June, 2005**. The said application was last before a judge on 26<sup>th</sup> November, 2007 when it was adjourned upon application by the Applicant. The Respondents then brought the present application by **notice of motion dated 13<sup>th</sup> August, 2009** for dismissal of the said contempt application for want of prosecution.

I have read the supporting and opposing affidavits. I have also given due consideration to the submissions of the learned counsels appearing. No proper or credible reason for the delay in prosecuting the contempt application has been given. The said delay is about one year and nine months. It is unjust that the said application should remain hanging over the heads of the Respondents all this time.

I will in the event allow with costs the application by notice of motion dated 13<sup>th</sup> August, 2009. The contempt application by notice of motion dated 22<sup>nd</sup> June, 2005 is hereby dismissed with costs for want of prosecution. There will be an order accordingly.

DATED AT NAIROBI THIS 3<sup>RD</sup> DAY OF FEBRUARY, 2010

**H. P. G. WAWERU**

**J U D G E**

DELIVERED THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2010