



REPUBLIC OF KENYA

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

Election Petition 210 of 2008

DAVID ANUNDA.....PLAINTIFF

VERSUS

JOHN KARU

(Sued in his own capacity and as the Chairman

Of Kileleshwa Githunguri Road Residents Association)...1ST DEFENDANT

MARGARET OWINO

(Sued as the Secretary

Kileleshwa Githunguri Road Residents Association).....2ND DEFENDANT

EUNICE MIMA

(Sued as the Treasurer

Kileleshwa Githunguri Road Resident Association).....3RD DEFENDANT

R U L I N G

This is an application brought by the Plaintiff by way of Notice of Motion dated 6th April 2009 and expressed to be brought under Section 5 of the Judicature Act Cap 8 Laws of Kenya Section 3A of the Civil Procedure Act and Order XXXIX 2 (A) of the Civil Procedure Rules seeking leave of this Honourable Court to institute contempt of court proceedings against the Defendants named herein **JOHN KARU, MARGARET OWINO** and **UNICE MIMA** for having disobeyed the court order issued by this court on the 9th October 2008.

In support of the application David Anunda has sworn an affidavit giving grounds. He avers that on 9th October 2008 this court issued orders of injunction which orders were to the effect that the Respondents were restrained from interfering with the Plaintiff's quiet possession and enjoyment of the suit property being LR No 209/13260 Nairobi pending the hearing and determination of this suit; that the order was given in court in the presence of Counsel for the Respondents Mr. Ibrahim and the same with a penal notice was served upon all the Respondents; that thereafter on 6th November 2008 when he went to the suit land he was prevented by the Respondents to gain access and that he has on several occasions been denied access to his property by the Respondent. All these the Respondents did while fully aware of

the court's order and hence this application.

Having considered the application in light of the affidavit evidence on record and submissions by Counsel I am persuaded to exercise my discretion in favour of the Applicant.

Accordingly I grant orders as prayed.

Dated and delivered at Nairobi this 10th day of May 2009.

J. L. A OSIEMO

JUDGE