



**Karanja v Mukunya & 2 others (Environment & Land Case  
1289 of 2014) [2022] KEELC 13692 (KLR) (18 October 2022) (Ruling)**

Neutral citation: [2022] KEELC 13692 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT & LAND CASE 1289 OF 2014**

**LN MBUGUA, J  
OCTOBER 18, 2022**

**BETWEEN**

**JOSEPH KABUGI KARANJA ..... PLAINTIFF**

**AND**

**BENSON MUGO MUKUNYA ..... 1<sup>ST</sup> DEFENDANT**

**JOYCE WAMBUI LANGAT ..... 2<sup>ND</sup> DEFENDANT**

**MILKA KANENE NDUNG’U ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. This ruling relates to the notice to show cause as to why the defendants should not be punished for contempt of court. The defendants herein were found to be in contempt of court orders of May 20, 2019 *vide* a ruling delivered by this court on November 10, 2021. No appeal (not any I know of) was ever lodged against the said ruling, while the application for review of the said ruling was dismissed on February 23, 2022.
2. The affidavit filed by the 1<sup>st</sup> respondent dated June 2, 2022 in response to the notice to show cause is an attempt to re-litigate the issues raised in the ruling of November 10, 2021. I find that there is not the slightest move to comply with the orders given on May 20, 2019 in which the parties had entered into a consent judgment of December 4, 2018. Thus the said orders of May 20, 2019 remain in force to date.
3. In the case of *Hadkinson vs Hadkinsan* [1952] All ER their Lordship Justices Somervell and Romer held that:

“It was the unqualified obligation of every person against, or in respect of whom, an order had been made by court of competent jurisdiction, to obey it unless and until that order(s) was discharged.”



4. The consent order and the subsequent ruling of November 10, 2021 have never been discharged. In the circumstances I find that the reasons given by the 1<sup>st</sup> defendant in response to the notice to show cause are not merited. The 1<sup>st</sup> defendant is found guilty of contempt and shall be sentenced accordingly in tandem with the provisions of section 30 of the *Environment and Land Court Act*.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 18<sup>TH</sup> DAY OF OCTOBER, 2022 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

**In the presence of:-**

Ongeri for the Plaintiff

Wangai for 1<sup>st</sup> Defendant

1<sup>st</sup> Defendant present

Sala holding brief for Mr. Muriithi for the 1<sup>st</sup> Interested Party

Agwata for 2<sup>nd</sup> & 3<sup>rd</sup> Interested Parties

Court assistant: Eddel

