



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**  
**Miscellaneous Civil Application 673 of 2005**

1. JOSEPH MBURU GITAU
2. FELISTA WARIARA NDUKU
3. ISAAC MBURU NJUGUNA
4. KEZIAH WANJA KINOTI
5. CECELIA WANJIRU GICHURU
6. GODFREY MUCHANJI AJIAMBO
7. FLACIA NJOKI
8. CHRISTIAN MUCHANJI AJIAMBO
9. MANY WAMBUI KARARI
10. JOSPHAT NJUGUNA MWANGI & 626  
OTHERS.....APPLICANTS

**VERSUS**

**THE COMMISSIONER OF POLICE**

**THE COMMISSIONER OF LANDS**

**THE HONOURBLE ATTORNEY  
GENERAL.....DEFENDANTS**

**EX-PARTE**

1. JOSEPH MBURU GITAU
2. FELISTA WARIARA NDUKU
3. ISAAC MBURU NJUGUNA
4. KEZIA WANJA KINOTI
5. CECELIA WANJIRU GICHURU

**6. GODFREY MUCHANJI AJIAMBO**

**7. FLACIA NJOKI MUIRURI**

**8. CHRITIAN MUCHANJI AMIAMBO**

**9. MARY WAMBUI KARARI**

**10. JOSPHAT NJUGUNA MWANGI & 626 OTHERS**

**RULING**

What is before me is an application for leave to commence contempt of court proceedings against three alleged contemnors. The application is dated 4<sup>th</sup> July, 2008.

I have taken into account the submissions of Counsel. What stands out is the issue of service of the orders. A perusal of the affidavit of the process server filed in court on 10<sup>th</sup> November, 2005 does not depone to the orders/decrees having been personally served on the alleged contemnors. The orders were left with the registry staff in each case.

I find that personal service was not effected and for this reason the applicant has to start all over again. I strike down the application dated 4<sup>th</sup> July 2008 and further order that costs abide the outcome of the main application when determined.

DATED and delivered at Nairobi this 19<sup>th</sup> day of September, 2008.

**J.G. NYAMU**

**JUDGE**