



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAIROBI(NAIROBI LAW COURTS)**

**MISCELLANEOUS CIVIL APPLICATION NO.673 OF 2005**

**1.JOSEPH MBURU GITAU FELISTA WARIARA NDUKU**

**ISAAC MBURU NJUGUNA**

**1. KEZIAH WANJA KINOTI**

**2. CECELIA WANJIRU GICHURU  
RESPONDENTS**

**3. GODFREY MUCHANJI AJIAMBO**

**4. FLACIA NJOKI MUIRURI**

**5. CHRISTIAN MUCHANJI AJIAMBO**

**6. MANY WAMBUI KARARI**

**7. JOSPHAT NJUGUNA MWANGI**

**& 626 OTHERS**

**VERSUS**

**THE COMMISSIONER OF POLICE**

**THE COMMISSIONER OF LANDS**

**THE HONOURBLE ATTORNEY GENERAL**

**APPLICANTS**

**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**