



**Okwako v Chemelil Sugar Co Ltd & others (Civil Suit  
38 of 2009) [2024] KEHC 7904 (KLR) (3 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 7904 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL SUIT 38 OF 2009**

**MS SHARIFF, J**

**JULY 3, 2024**

**BETWEEN**

**DAVID OSCAR OKWAKO ..... PLAINTIFF**

**AND**

**CHEMELIL SUGAR CO LTD & OTHERS ..... DEFENDANT**

**RULING**

1. Whereas this matter was listed for mention by parties on 30.4.2024 for purposes of confirming compliance with the directions made then, Mr. Kuria for the Applicant now seeks 3 weeks to comply and to put his house in order.
2. This position has met resistance by Counsel for the 1<sup>st</sup> and 3<sup>rd</sup> Defendants who have moved that the Plaintiff's notice of motion dated 26.9.2024 be dismissed and the Plaintiff be found in contempt of court yet again for his failure to present himself in court physically today.
3. It is common knowledge that the Plaintiff has treated this court and Counsels for the Defendants with utmost disrespect and that this court had at one time found him guilty of contempt of court. The Plaintiff is yet to pay the fine of Kshs.200,000 that he was condemned to pay in addition to the custodial term of 1 month.
4. Given the submission made by Mr. Kuria that Mr. Omondi had limited instructions to just hold his brief and that Mr. Kuria had been outside the country, I will indulge him and give him another mention date.
5. The Plaintiff's advocates are directed to prevail upon the Plaintiff to purge his contempt by making payment of the fine of Kshs.200,000 ordered on 12<sup>th</sup> October, 2023.
6. The Plaintiff is condemned to pay court adjournment fee of Kshs.6,000 before the next mention date and the costs of the Defendants.



7. In the interim the Plaintiff is directed yet again to serve his application dated 26.4.2024 upon the 1<sup>st</sup> and 3<sup>rd</sup> Defendants' Counsel in the course of the day.
8. Mention on 24.9.2024 to confirm compliance and take further directions.

**DATED, DELIVERED AND SIGNED THIS 3<sup>RD</sup> DAY OF JULY, 2024.**

**M. S. SHARIFF**

**JUDGE**

