



**Matakwa v Mburu & another (Bankruptcy Cause 2 of 2009)
[2023] KEHC 17258 (KLR) (8 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 17258 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
BANKRUPTCY CAUSE 2 OF 2009
RE ABURILI, J
MAY 8, 2023**

BETWEEN

DEFINA KHAYOSA MATAKWA APPLICANT

AND

SIMON NG'ANG'A MBURU 1ST RESPONDENT

OFFICIAL REIVER 2ND RESPONDENT

RULING

1. The Land Registrar, Bungoma Mrs. Violet Lamu is present in court. She is represented by Ms. Masaka, Litigation counsel who has submitted on behalf of the Land Registrar who committed the contempt in issue a Ms. Hellen Ojwang. She has confirmed and the Applicants' counsel has confirmed that the contempt of court had been purged.
2. That she took over the office from the contemnor and has offered a profound apology for the blatant disregard of court orders, praying for discharge. The defence counsel Mr. Amasakha accepts the purging of the contempt but asks for costs and a mention dated to report on the progress of the Receivership proceedings.
3. I have considered the submissions by the contemnor's counsel and the applicant's counsel. The court accepts the apology offered by the Land Registrar through the Litigation Counsel because the contempt committed by the Land Registrar has been fully purged. The court however warns that blatant disregard for court orders shall not be entertained in future as they impede the fair administration of justice. The officer who is present did not commit the contempt but has purged the contempt on behalf of her predecessor and offered an apology on behalf of her colleague and the office being a public office.



4. However, the message that should be send out to the concerned public officer is that she can run but cannot hide. She is liable to be brought before the court for punishment as by law established for contemnors. For now, her colleague has sought forgiveness by the court which is accepted.
5. Accordingly, the Land Registrar, Bungoma District Lands office is hereby discharged from the contempt of court and therefore the application dated August 23, 2021 by way of Notice of Motion is hereby marked as settled as the contempt has been purged.
6. On costs, I observe that the officer who committed the contempt is not the one who purged the contempt and no longer occupies that office.
7. I order that there shall be no costs of the application.
8. On the request for a mention date, I observe that this matter is only but one of such cases by several creditors against the 1st Respondent Debtor. As the Official Receiver is now fully seized of the Receivership proceedings against the Debtor, this court cannot supervise the process through these proceedings which are now marked as closed.
9. This file is hereby closed.
10. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 8TH DAY OF MAY, 2023

R. E. ABURILI

JUDGE

