

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 98 OF 2015

NEW CLASSIC TRAVELLERS SACCO LTD PLAINTIFF

VERSUS

NAIROBI CITY COUNCIL..... PLAINTIFF

DIRECTIONS

There are several applications on this file. When I retired to write the ruling to the application dated 28th April, 2015, I noted that there are three individuals who are targeted by the plaintiff applicant to be punished for contempt of court. These are Mr. Karisa Iha, Mrs. Violet Ovoga Onyangi and Mr. Patrick Onyango. These individuals are said to be officers of the defendant/respondent holding different titles.

An order to punish a party for contempt of court targets an individual and not the institution. The return of service of record indicates that the application was served upon the secretary to the Deputy Director, Legal Affairs Department. That secretary is not a party to these proceedings. Punishment for contempt of court leads to a punishment of either imprisonment or a fine or attachment of property. It behoves an applicant therefore to ensure that personal service is effected upon the offending party. No personal service has been effected on the three individual officers whose names I have set herein above.

I cannot therefore proceed to write a ruling in respect of the application based on such service. I therefore direct that counsel for the plaintiff secures a hearing date in the registry and serve the individuals that have been named in the application.

A.MBOGHOLI MSAGHA

JUDGE

Dated, signed and delivered at Nairobi this 23rd Day of February, 2017

JUDGE