

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MISCELLANEOUS CIVIL APPLICATION NO. 87 OF 2015

ANGELA NATASHA CHEMOSS.....APPLICANT

-VERSUS-

CYRUS KIPLIMO SANG.....RESPONDENT

RULING

1. The respondent has filed a preliminary objection dated 22nd June 2015 to the contempt application dated 5th June 2015 on the technical grounds that it does not fully comply with the English law on the matter.
2. Parties have filed extensive submissions on the points raised. I have read the written submissions and noted the arguments made, inclusive of the caselaw cited. The objection was argued before me orally by counsel for the parties. I have also noted the arguments advanced.
3. The law in Kenya has changed substantially with respect to the extent to which we should apply the procedural steps prescribed under the English law. The English law has also changed, for example with respect to service of the contempt application on the Attorney-General. In any event issues as to whether the order was personally served and disobeyed are matters to be taken up at the hearing of the application.
4. I do not find any merit in the preliminary objection. I hereby overrule the same. The applicant shall have costs of the objection. The applicant is at liberty to prosecute her application dated 5th June 2015.

DATED, SIGNED and DELIVERED at NAIROBI this 12TH DAY OF MAY, 2017.

W. MUSYOKA

JUDGE