



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND NO. 21 OF 2014

MARY KARAUKI.....PLAINTIFF

ISAIAH THIAINE MUNYUA.....2ND PLAINTIFF

VERSUS

DAVID MUNYUADEFENDANT

RULING

This application is dated 03/11/2014. It seeks orders:-

1. ***THAT the Honourable Court be pleased to certify this Application of utmost urgency and to hear it on priority basis and ex parte and in the first instance.***
2. ***THAT The Honourable Court be pleased to issue an order that the Defendant DAVID MUNYUA be detained in prison for a term not exceeding six months for disobeying Court orders of 14th February, 2014.***
3. ***THAT the costs of this application be provided for.***

The application is supported by the affidavit of MARY KARAUKI, the 1st Plaintiff and has the following.

1. ***THAT the Defendant has disobeyed the Court order of temporary injunction issued on 14th February, 2014.***
2. ***THAT the Defendant has committed waste of the land subject of this suit and therefore this application warrants expeditious hearing to curb further wastage.***
3. ***THAT the Defendant has been renting the land to strangers for cultivation.***
4. ***THAT Court orders should not be issued in vain.***

When the application came up in Court, Miss Mutinda for the applicants told the Court that it was the Plaintiffs wish to withdraw the application as the Defendant was no longer disobeying the Court Orders. The Court did not have an opportunity to hear the Defendant's side of the the story as neither the defendant, nor his Advocate were in Court.

Although the application is not opposed, I do not find it meritorious to allow the application. I, however, agree to have the application withdrawn. The Defendant is, However, cautioned not to disobey Court

Orders, in future, if in this case he had done so.

The application dated 03/11/2014 is marked as withdrawn.

It is so ordered.

Delivered in open Court at Meru this **7th March, 2016** in the presence of:-

CC:

Daniel /Lilian

Miss Mutinda for the Applicant

P. M. NJORGE

JUDGE