

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Civil Appeal 690 of 2000

JOHN W KARIMI. APPLICANT/APPELLANT

VERSUS

THE BOARD OF GOVERNERS

BURUBURU SECONDARY SCHOOL..... RESPONDENT

RULING

The application before the court is dated 2nd March, 2012. It is made by the Appellant and seeks for leave to file and prosecute contempt proceedings against the Respondent on the grounds that the Respondent failed to obey a court order under which it was ordered: -

a) to execute a transfer of L.R. No. 209/12116/17 in favour of the Applicant/Appellant and release related documents to him.

b)to do everything possible including clearing the property of rates and rents before the years 2001, including the years 1995 to 2000.

The application which usually is ex parte, had been served and was opposed by the Respondent who argued that they have never refused to obey and that it was the Applicant/Appellant who made it impossible for them to comply.

I have carefully perused the material upon which the application is based. I find that the applicant himself, failed to do such acts as were ordered by the court to be done by him to enable the court orders to be complied with by Respondent. First, the applicant failed to execute a release form to enable the sum of Ksh.462,500/- to be availed to the Respondent, the same being part of the purchase price or related issue. Secondly, the Applicant had failed to pay and clear land rents and rates for the years 2001, 2002 and 2003 ordered by the court to clear the property for transfer.

In the above circumstances this court finds no reasons upon which the Respondent would be adjudged to have deliberately refused to comply with the court orders referred to herein. For that reason the court finds no merit in this application which it hereby dismissed with costs. Orders accordingly.

Dated and delivered at Nairobi this 7th day of March 2013.

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D A ONYANCHA
JUDGE