

**IN THE HIGH COURT OF KENYA
AT NAIROBI
CRIMINAL APPEAL NO. 211 OF 1996**

BEATRICE NJOKI NG'ANG'A.....PLAINTIFF

-Versus-

MBUGUA GACHUHI & 2 OTHERS.....DEFENDANT

RULING

This application by way of notice of motion brought under Order L. Rules 1,2, & 3 of the Civil Procedure Rules and Section 3A of the Civil Procedure Act seeks orders that (1) the officer commanding Pangani Police Station do by himself, his officers and /or such other police officers as he may appoint do supervise and render assistance to the Court Bailiff, in executing decree issued on 24th July, 1997 and any subsequent orders thereto.

(2) That reasonable force be used to execute the aforesaid order.

(3) The costs of this application to be paid by the defendants/respondents.

The application is supported by a sworn affidavit of the applicant dated 23rd March, 1998 in which she has deposed as follows: 1. That subsequent to the honourable court issuing a decree for vacant possession and eviction herein she had met the officer in charge of the court bailiffs situated at Milimani Court who upon examination of the order and mailing a general enquiry in the suit premises advised her to request for police protection and security for the said bailiff when executing the eviction order.

This being a civil action, it would be unlawful to utilize the police in a civil action for the purpose of effecting or aiding private evictions or reinstatements. For that reason I decline to issue the order sought and dismiss the application.

Dated and delivered at Nairobi this 4th day of November, 1998

J.L.A. OSIEMO

JUDGE