



REPUBLIC OF KENYA



**Suleiman Enterprises Limited & another v Kenya Deposit Insurance Corporation (As Liquidators of Dubai Bank Kenya Limited) & 2 others (Commercial Case E597 of 2023) [2025] KEHC 13475 (KLR) (Commercial and Tax) (25 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13475 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
COMMERCIAL CASE E597 OF 2023  
PM MULWA, J  
SEPTEMBER 25, 2025**

**BETWEEN**

**SULEIMAN ENTERPRISES LIMITED ..... 1<sup>ST</sup> PLAINTIFF  
KEMUSALT PACKERS PRODUCTIONS LTD (IN RECEIVERSHIP) .... 2<sup>ND</sup>  
PLAINTIFF**

**AND**

**KENYA DEPOSIT INSURANCE CORPORATION (AS LIQUIDATORS OF  
DUBAI BANK KENYA LIMITED) ..... 1<sup>ST</sup> DEFENDANT  
KENSALT LIMITED ..... 2<sup>ND</sup> DEFENDANT  
BASELINE AUCTIONEERS ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. This is a ruling on the Applicant’s Notice of Motion dated 18<sup>th</sup> February 2025 brought under Section 5 of the *Judicature Act* (Cap 8 Laws of Kenya), Sections 1A, 1B and 3A of the *Civil Procedure Act* (Cap 21), Rule 3(2) of the *High Court (Practice and Procedure) Rules*, and Order 51 of the *Civil Procedure Rules, 2010*.
2. The Applicants seek orders that Perry Mansukh Kansagra, Sucheta Mansukhlal Patel, Champika Mukesh Mahesh, Vishal VekariaSukhpar and Reuben Ogala, the directors and employees/servants of Kensalt Limited be found in contempt of the court orders issued on 23<sup>rd</sup> January 2025, detained in prison for six months, and that the Officer Commanding Station, Marereni Police Station, assist in the enforcement of the said orders. The Applicants further pray that the said directors be condemned to pay costs of the application.



3. The application is supported by the affidavit of Hassan Zubeidi, Chief Executive Officer of Suleiman Enterprises Limited and Kemusalt Packers Production Limited. He avers that the 1<sup>st</sup> Applicant is the registered owner of L.R. No. 21918 (Grant No. 28301) and L.R. No. 21983 (Grant No. CR 28443), while the 2<sup>nd</sup> Applicant, in receivership, is the registered owner of L.R. No. 22138 (Grant No. 28851) and CR 22653. It is alleged that despite subsisting injunctive orders issued on 23<sup>rd</sup> January 2025 restraining the Respondents from dealing with the suit properties, the Respondents have interfered with the same, carting away salt deposits and attempting to take over possession with the aid of police officers.
4. The application is opposed through a replying affidavit sworn on 8<sup>th</sup> May 2025 by John Masega Ombasa on behalf of the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents. He depones that the ruling of 23<sup>rd</sup> January 2025 preserved the status quo, which at the time was that the 3<sup>rd</sup> Respondent was in possession of the suit properties pursuant to a lawful purchase effected at a public auction held on 22<sup>nd</sup> September 2023. It is contended that the 3<sup>rd</sup> Respondent has since exercised quiet and uninterrupted possession of the suit property and is thus within its rights to continue operations.
5. I have considered the pleadings, affidavits, orals submissions of counsel, and the authorities. The central issue is whether the Respondents are guilty of contempt of the orders issued on 23<sup>rd</sup> January 2025.

### **Analysis and determination**

6. Section 5(1) of the [Judicature Act](#) vests this Court with jurisdiction to punish for contempt. It provides:

“The High Court and the Court of Appeal shall have the same power to punish for contempt of court as is for the time being possessed by the High Court of Justice in England, and that power shall extend to upholding the authority and dignity of subordinate courts.”
7. Further, Article 159 of the [Constitution](#) commands this Court to uphold the authority of judicial orders, while Sections 1A and 1B of the [Civil Procedure Act](#) enjoin the Court to ensure the just, expeditious, and efficient administration of justice. The principle is well settled that court orders must be obeyed until they are lawfully discharged or set aside.
8. In *Hadkinson v Hadkinson* [1952] 2 All ER 567, the Court stated that:

“It is the plain and unqualified obligation of every person against, or in respect of whom, an order is made by a court of competent jurisdiction to obey it unless and until it is discharged.”
9. The law on contempt is well settled. The Court of Appeal in [Christine Wangari Gachege v Elizabeth Wanjiru Evans & 11 others](#) [2014] eKLR restated that an applicant must demonstrate (i) the existence of a clear order, (ii) knowledge of that order by the contemnor, and (iii) willful disobedience of the order.
10. Similarly, in [Katsuri Limited v KapurchandDeepar Shah](#) [2016] eKLR, the Court emphasized that court orders are not made in vain and must be obeyed.
11. Essentially, there are four elements that must be proved to make the case for civil contempt. The applicant must prove to the required standard (in civil contempt cases which is higher than civil cases) that:
  - a. the terms of the order (or injunction or undertaking) were clear and unambiguous and were binding on the defendant;



- b. the defendant had knowledge of or proper notice of the terms of the order;
  - c. the defendant has acted in breach of the terms of the order; and
  - d. the defendant conduct was deliberate.
12. What is contempt of court? According to the Black’s Law Dictionary;
- “Contempt is a disregard of, disobedience to, the rules or orders of a legislative or judicial body, or an interruption of its proceedings by disorderly behavior or insolvent language, in its presence or so near thereto as to disturb the proceedings or to impair the respect due to such a body.”
13. In the present case, there is no dispute that this Court issued injunctive orders on 23<sup>rd</sup> January 2025 restraining the Respondents from interfering with or dealing in any manner whatsoever with L.R. No. 21918 (Grant No. 28301) and L.R. No. 21983 (Grant No. CR 28443), and L.R. No. 22138 (Grant No. 28851) and CR 22653.
14. The Respondents’ defence is that the order preserved the status quo, which in their view recognized their possession pursuant to the auction of 22<sup>nd</sup> September 2023.
15. The evidence placed before this Court shows that after the orders were issued, the Respondents moved into the suit property, purported to exercise control, and carted away salt deposits. Such acts are in direct violation of the terms of the injunction, which sought to preserve the substratum of the dispute pending hearing and determination of the suit. The Respondents’ contention that the order merely preserved their possession is untenable.
16. It is trite law that status quo orders are intended to preserve property in the state it was in, not to authorize acts that dissipate or alter its character. (see *Suleiman v Amboseli Resort Limited* [2004] eKLR).
17. The actions of the Respondents constitute deliberate disobedience of the order of this Court. In *Teachers Service Commission v Kenya National Union of Teachers & 2 Others* [2013] eKLR, Ndolo J. held that that:
- “The reasons why courts will punish for contempt of court then is to safeguard the rule of law which is fundamental in the administration of Justice. It has nothing to do with the integrity of the judiciary or the court or even the personal ego of the presiding Judge. Neither is it about placating the applicant who moves the court by taking out contempt proceedings. It is about preserving and safeguarding the rule of law.”
18. Considering the four elements set out hereinabove, I find that the terms of the order were clear, the 3<sup>rd</sup> Respondent had knowledge of the order, they acted in breach of the terms of the order and their conduct was deliberate and willful disobedience of the court order by the Respondents.
19. I am satisfied that the Applicants have proved, to the requisite standard, that the Respondents knowingly and willfully violated the Court’s order of 23<sup>rd</sup> January 2025.
20. Accordingly, I find and hold that Perry Mansukh Kansagra, Sucheta Mansukhlal Patel, Champika Mukesh Mahesh, Vishal Vekaria Sukhpar and Reuben Ogala are in contempt of the orders of this Court. They are hereby convicted accordingly.



21. As to the appropriate sanction, it is trite that contempt may be punished in the Court's discretion by imprisonment, fine, or other lawful sanctions (See *Compania Sud Americana De Vapores SA v Hin-Pro International Logistics Limited* [2013] EWHC (Comm)).
22. In the circumstances of this case, and to uphold the authority of this Court, I direct that each contemnor shall pay a fine of Kenya Shillings Two Hundred and Fifty Thousand (Kshs. 250,000/-) within fourteen (14) days of this ruling. In default, a warrant of arrest shall issue for their committal to civil jail for a term not exceeding thirty (30) days.
23. On the issue of costs, the Applicants were compelled to move this Court to enforce compliance with its orders. It is only just that they should not be burdened with the costs of these proceedings. Accordingly, the contemnors shall bear the costs of the contempt application.

Orders accordingly.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT NAIROBI THIS 25<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**PETER M. MULWA**

**JUDGE**

In the presence of:

Mr. Ometo for 1<sup>st</sup> Plaintiff

Mr. Chepkwony for 1<sup>st</sup> & 2<sup>nd</sup> Defendants

Mrs. Akwana for 3<sup>rd</sup> Defendant

Court Assistant: Carlos

