

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KAKAMEGA

ELC CASE NO. 1 OF 2015

JAMES JALANGO OWARE.....APPLICANT

VERSUS

ISAAC OHARE.....RESPONDENT

RULING

The application is dated 17th October 2018 and is brought under order 40 rule 3 of the Civil Procedure Rules and Section 3A of the Civil Procedure Act seeking the following orders:-

1. That the respondent herein Isaac Ohare be arrested and committed to civil jail for a period not exceeding six months for contempt of court, having been duly served and disobeyed this court orders made on 26th day of September, 2018.
2. That the OCS, Luanda police station to execute the orders herein.
3. That the costs to the applicant.

It is based on the grounds that the respondent was duly served with the orders made on the 26th day of September, 2018 by this honourable court. That the said respondent has disobeyed the said court orders by continuing with his illegal farming activities in the suit parcel of land despite service of the court orders. That the respondent has turned more violent and has threatened to continue with his illegal farming activities dismissing the court orders as from 'a kangaroo court'. That the respondent has treated this court with utter disrespect and with impunity by blatantly refusing to comply with its orders as made and served. The respondent admits he has not left the land though he did not file any papers in opposition.

This court has considered the application and the submissions therein. The applicant indeed obtained judgement to permanently restrain the respondent from trespassing. This application has merit and I grant prayer 2 with no orders as to costs.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KAKAMEGA IN OPEN COURT THIS 26TH DAY OF FEBRUARY 2019.

N.A. MATHEKA

JUDGE