



REPUBLIC OF KENYA



**Attlia v Njeru (Civil Suit E164 of 2024)
[2025] KEHC 15011 (KLR) (Civ) (23 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15011 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL
CIVIL SUIT E164 OF 2024**

JN MULWA, J

OCTOBER 23, 2025

BETWEEN

KAMALJIT SINGH ATTLIA PLAINTIFF

AND

GICHOVI EDWIN NJERU DEFENDANT

RULING

1. For determination before the court is the Plaintiffs application dated 17/09/2024 grounded on Order 22 Rule 31; Order 51 Rule 51 (1) and Section 3A of the Civil Procedure Rules and Act respectfully.
2. The Plaintiff seeks an order that Gichovi Edwin Njeru t/a Njeru Gichovi & Co. Advocates, the Defendant, be cited for contempt of court orders for disobeying orders of the court issued on 17/12/2014; and be committed to civil jail for a period not exceeding 6 months; as well as costs of the application.
3. The Defendant despite being served with the Originating Summons (OS) failed to enter appearance or file defence and therefore there being no response the application stands unopposed.
4. The matter was initially filed at the Commercial Division of this court and serialized as HCCC. No. 164 of 2014. As may be garnered from the court record, the Originating Summons was heard before several judges at different stages. On 6/06/2014, the matter was transferred to the Civil Division.
5. By a ruling dated 17/12/2014 Mbogholi J (as he then was) upon hearing the OS by way of written submissions issued orders:-
 - a. That the Defendant shall within 14 days of the ruling honour his professional undertaking by paying to the Plaintiff Kshs. 8,600, 000/-



- b. In default the Plaintiff may execute for the said sum plus interest at court rates from date of filing these proceedings, as a decree of the court.
- c. The defendant shall pay to the Plaintiff costs of the proceedings to be agreed or taxed.
6. A Notice to show cause (NTSC) was issued and served upon the Defendant (Judgment Debtor (JD) to show cause why he should not pay the decretal sum failing which he would be committed to civil jail. The record shows that despite service, the JD failed to attend court for hearing of the notice to show cause. The court proceeded to allow the NTSC on 10/12/2015.
7. On the instant motion dated 17/09/2024, the court directed that service be effected upon the JD; but the Decree Holder Advocate Ms. Abutika, on 11/11/2024 told the court that she had not been able to effect service upon the JD. The court granted time to the Advocate to serve the motion upon the JD.
8. Yet again, on 3/02/2025, the JD had not been served with the application dated 17/09/2024, counsel submitting that there was a judgment on record but no explanation was tendered as to why the JD was not served with the motion.
9. The record shows that there is a decree issued on 13/02/2015 for Kshs. 8,600,000/= upon which warrants of attachment and sale of movable property in execution of the decree was issued on 7/07/2015 and a Notice to show cause dated 10/12/2015.
10. There being no response to the application, and further to the NTSC why the JD should not be committed to civil jail for failure to settle the decretal sum standing at Kshs. 10,129,765 as at 9/05/2015, the court deems the motion as unopposed.
11. Order 22 Rule 31 of the Civil Procedure Rules allows a judgment debtor to attend court to show cause why he should not be arrested and detained in civil jail (prison). This was done but the JD failed to honour the summons and an order was thus issued for his arrest and committal to civil jail.
12. In terms of prayer 3 of the application, this court is persuaded that the application is deserved and appropriate in the circumstance. It is granted as prayed with no orders on costs.

Orders accordingly.

DELIVERED DATED AND SIGNED AT NAIROBI THIS 23RD DAY OF OCTOBER, 2025.

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JANET MULWA.
JUDGE

