



**Kinyua v Wanga (Environment and Land Case 75 of 2012)
[2025] KEELC 8381 (KLR) (2 December 2025) (Ruling)**

Neutral citation: [2025] KEELC 8381 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT AND LAND CASE 75 OF 2012
FM NJOROGE, J
DECEMBER 2, 2025**

BETWEEN

HENRY KINYUA PLAINTIFF

AND

FABIANO WANYAMA WANGA DEFENDANT

RULING

1. The application dated 18/2/2025 seeks inter alia orders that the court do find the plaintiff to be in contempt of court orders.
2. It is alleged that there is a judgment of this court in the matter which the plaintiff has never appealed. That on 19/1/2025 the plaintiff attacked and injured the defendant while the latter was in his home. Despite calling the police regarding the incident, the defendant obtained no help from them.
3. The application is supported by an affidavit of the applicant also dated 18/2/2025. In that affidavit, he reiterates the allegation that the plaintiff attacked him and that he has therefore disobeyed court orders. He states that the mode of attack was the hurling of a huge stone towards him while he was in his compound pruning tree leaves.
4. This is a matter in which the suit was dismissed for non-attendance and the suit plot declared to belong to the defendant.
5. In this court's view, this is supposed to be not a matter for contempt but for execution since the case is already concluded. As there is an alternative method of obtaining redress and it has not been exploited by the applicant, the court hereby declines to deal with the matter as a contempt of court issue. In any event the order that the applicant relies on states as follows:
 - a. That the plaintiff's suit be and is hereby dismissed for non-attendance;
 - b. That a declaration be and is hereby issued that the defendant is the owner of plot no 346B.



6. There is nothing expressly directing the plaintiff to do or to cease doing anything in that order. The application dated 18/2/2025 is thus incompetent and I hereby dismiss it with costs.

DATED, SIGNED AND DELIVERED AT MALINDI ON THIS 2ND DAY OF DECEMBER 2025.

MWANGI NJOROGE

JUDGE, ELC, MALINDI

