

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ELCLA NO. E154 OF 2024

DAGMA LAND INVESTMENTS LIMITED.....1ST
APPELLANT/RESPONDENT

CHRISTOPHER MATHEA NDIRANGU.....2ND
APPELLANT/RESPONDENT

VERSUS

ALFETTA WARUIRU MUNGAI.....1ST
RESPONDENT/APPLICANT

CHRISTINE WAMBUI MUNGAI.....2ND
RESPONDENT/APPLICANT

BECKY WAMORO MUNGAI.....3RD
RESPONDENT/APPLICANT

RULING

1. When I retired to write the ruling in this matter, and having carefully analyzed the instant application, I do note that the respondents/applicants filed the instant notice of motion dated 16th June, 2025 seeking the following orders:-

1. That the appellants/respondents' trespass and interference with the respondents/applicants' quiet possession of use and occupation of LR. No. Nairobi/ Block 126/263 destroying their farm house and carting away the applicants' items from the said land on 22nd May 2025, is in contempt of court and constitutes gross abuse of the court process.

2. That the appellants/respondents be denied audience before this court, as this is the second

time that they have blatantly violated the court order dated 14th July, 2023, and the one dated 4th August 2022 issued by the trial court.

- 3. That the respondents/appellants be directed to appear before the Chief Magistrates Court at Milimani Commercial on a date to be appointed by this court to show cause why they should not be punished for brazen and blatant disobedience of the orders of court protecting the applicants' quiet possession, occupation, and use of LR. No. Nairobi/ Block 126/263.*
- 4. That the respondents/appellants be directed to purge their contempt within a period of 14 days failing which this appeal be struck out.*
- 5. That the respondents/appellants be compelled by this court to pay for the applicants destroyed farm house, all the materials and items carted away from their land on 22nd May, 2025.*
- 6. This court be pleased to issue such other orders and directions as may be necessary to meet the ends of justice.*
- 7. Costs of this application be paid by the appellants.*

2. The respondents/applicants argued that the appellants/respondents have defied the court orders issued on 1st

July, 2024 by the magistrates' court. The respondents/applicants are inviting this court to consider the instant application which seeks that the appellants/respondent to be found in contempt of the orders issued by the subordinate court. These orders do not emanate from this court. Looking at prayer 3 as sought in the application, it is clear that the instant application is misplaced and ought to be heard by the court that issued the said orders i.e. Magistrates Court.

3. The court cannot therefore deal with the instant application, as it is wrongly before this court. The same is to be placed before the Magistrate's court for hearing and determination.

Orders accordingly.

**DATED, SIGNED & DELIVERED VIRTUALLY
THIS 15TH DAY OF DECEMBER, 2025.**

**HON. MBOGO C.G.
JUDGE
15/12/2025.**

In the presence of:

Mr. Benson Agunga - Court assistant

Mr. Gachau for the Appellant

Mr. Mutwiri for the 1st, 2nd and 3rd Respondents/Applicants