



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA AT BUNGOMA.**

**CIVIL SUIT NO. 113 OF 2002.**

**JAPHETHER WAMALWA KILUI.....1<sup>ST</sup> PLAINTIFF**

**JOHN SIEBELA MUSEE.....2<sup>ND</sup> PLAINTIFF**

**JOHNSON WANJALA MAFULA.....3<sup>RD</sup> PLAINTIFF**

**TIMOTHY MASINDE SINDANI.....4<sup>TH</sup> PLAINTIFF**

**MARY WASIKE.....5<sup>TH</sup> PLAINTIFF**

**FRAGNEL WAWIRE MIRIMO.....6<sup>TH</sup> PLAINTIFF**

**HENRY MASIBO.....7<sup>TH</sup> PLAINTIFF**

**NICOLAS MASIKA MAIKUMA.....8<sup>TH</sup> PLAINTIFF**

**TITUS MUSUYA SAKWA.....9<sup>TH</sup> PLAINTIFF**

**VERSUS.**

**MATHEW MUNYOLE WAFULA.....1<sup>ST</sup> DEFENDANT**

**BEN MACHABE WAFULA.....2<sup>ND</sup> DEFENDANT**

**RULING.**

[1] Having perused the Motion filed herein pursuant to order 40 rule 3(1) of the Civil Procedure Rules and equally having perused the supporting affidavit of Japhether Wamalwa Kilui and Johnstone Wanjala Mafuta sworn on 16/11/2017 and also having perused the replying affidavit of Mathew Munyole Wafula, I find that he has not complied with the orders of this Court of 8/3/2011. I do order that a Warrant of Arrest should issue against Mathew Munyole Wafula and Ben Machabe Wafula to be brought to this court to show cause why they should not be punished for contempt of court as by Law provided.

Ruling read in the presence of Mr. Murunga.

**Dated at Bungoma this 28<sup>th</sup> day of March, 2018.**

**S. MUKUNYA**

**JUDGE.**

**In the presence of:**

Joy: Court Assistant

Mr. Murunga for Khakula for the respondent/applicant

Respondent is absent