



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 60 OF 2017

FORMERLY MERU ELC CASE NO.139 OF 2016

CHARLES IGUNA NDUYO 1ST PLAINTIFF

KITHETU MUGAMBI 2ND PLAINTIFF

AGNES KARIA MAKANYA 3RD PLAINTIFF

VERSUS

GITURI PRIMARY SCHOOL

(sued thro' chairman, secretary &

treasurer of school management committee) DEFENDANT

THE BOARD OF MANAGEMENT M.C.K.

GITURI PRIMARY SCHOOL (thro' the

chairperson and secretary) INTERESTED PARTY/APPLICANT

RULING

1. There are 2 applications in this file. The **1st one** is dated **12th July, 2018** and is a contempt application to punish the defendants for disobedience of court orders. The **2nd one** is dated **9th August, 2018** and seeks setting aside of this court's judgment delivered on **28th day of March, 2018**.

2. **Mr. Murango Mwenda** for the **plaintiffs** asked the court to hear the application for contempt proceedings first for 2 reasons: (a) The application was filed first and (b) An alleged contemnor should not seek favours or orders from the court whose orders he or she is disobeying.

3. **Mr. Linus Ndungu**, holding brief for Mr. Kimathi for the defendants / alleged contemnors told the court that Mr. Kimathi had not received any responses concerning the application dated **9th August, 2018** which seeks to have the judgment of this court delivered on **28th March, 2018** set aside. For that reason he told the court that he was not ready to proceed. He, however, asked the court to grant prayers 4 and 5 in the application.

4. Having considered all apposite circumstances, I find it necessary to have the application for contempt proceedings heard first.

5. It is ordered as follows:

a) By consent, the application for contempt proceedings will be heard on **30th October, 2018**.

b) The alleged contemnors, have all been informed by the court, to personally be in court on **30th October, 2018** and on all other days when matters concerning this application will be coming up in court.

c) It is so ordered.

Delivered in open Court at Chuka this 24th day of September, 2018 in the presence of:

CA: Ndegwa

Murango Mwenda for the plaintiffs

Linus Ndungu h/b Kimathi for the defendants

P.M. NJORGE

JUDGE