



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
CHUKA ELC CASE NO 187 OF 2017
FORMERLY MERU ELC CASE NO. 265 OF 2013

BERNARD NJERU KABUNGA.....1ST PLAINTIFF
ZAKAYO KITHUKA KATHIGA.....2ND PLAINTIFF

VERSUS

JUSTUS KIRUGI INCHUNGA.....1ST DEFENDANT
JACOB NTHIGA RUARIA.....2ND DEFENDANT
JUDITH KAIRO.....3RD DEFENDANT

RULING

1. This application is dated 15.9.2017 and seeks orders:

1. That this honourable court be pleased to have this matter heard expeditiously due to its nature.
2. That the honourable court be pleased to commit the 2nd and 3rd defendants/respondents their agents or assignees to civil jail for contempt of court orders dated 15th March, 2016 duly served upon the respondents.
3. That the court do order that the 2nd and 3rd respondents do purge the contempt by ceasing all activities on the subject herein.
4. That costs of this application be provided /borne by the respondents.

2. The application is supported by the affidavit of the 2nd defendant and has the following grounds.

- a) That the orders issued on 15th February 2016 were/are injunctive in nature.
- b) That orders were duly served upon the respondents by a duly authorized court process server.
- c) That despite the order the respondents have with impunity refused to obey the said orders.
- d) The court must stamp its authority as court orders are not issued in vain.

3. The applicant is not in court for the ex parte hearing of the application. Whereas I am inclined to dismiss the application for non-prosecution, in the interest of justice, I will allow the applicants a chance to prosecute their application.

4. It is ordered as follows:

1. The applicants to serve the application upon the respondents within the next 7 days.

2. The application is to be heard inter partes on 2nd October, 2017

Delivered in open court at Chuka this 20th day of September, 2017

in the presence of:

CA: Ndegwa

Plaintiffs – absent

Defendants – absent

P.M. NJOROGE

JUDGE