



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT NAKURU**

**ELC CASE No. 316 OF 2012**

**JERUSHA WANGARI MWANGI.....PLAINTIFF**

**VERSUS**

**BEATRICE M. KARANJA ..... 1<sup>ST</sup> DEFENDANT**

**MAINA KARANJA ..... 2<sup>ND</sup> DEFENDANT**

**NICHOLAS GITAU KARANJA ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

***(Directions on an application seeking to cite defendants for contempt of court in a partly heard suit; court orders fast tracking of suit; application for contempt to be determined in due course)***

On 20<sup>th</sup> July, 2017 this court decided to proceed with the hearing of the suit and that directions on Notice of Motion dated 26<sup>th</sup> April 2017 would be given as we proceed. The orders were made bearing in mind that the real solution to the dispute before the court is hearing and determination of the case. Whereas contempt of court is a serious issue that must be dealt with, it is not a time bound issue. Contempt is in the nature of a criminal matter, it can be raised and dealt with at any time, event after judgment.

I still hold the view that this suit should be heard and determined on the merits as soon as possible. To that extent, I will fast track it as much as possible. Parties are reminded that they have an obligation to assist the court to move towards conclusion of the hearing and ultimately, delivery of judgment. The plaintiff must take steps to conclude her case as soon as possible.

Considering the application for adjournment made by the plaintiff and the issues raised surrounding Notice of Motion dated 26<sup>th</sup> April 2017, I make the following orders:

1. The plaintiff is granted an adjournment.
2. The plaintiff to file and serve supplementary affidavit in respect of the application within seven (7) days from today.
3. The defendants to file and serve a response to the Notice of Motion within seven (7) days of service of the supplementary affidavit.
4. Plaintiff to file and serve written submissions in respect of the Notice of Motion within 14 (fourteen) days of service of defendants' response or replying affidavit.

5. The defendants to file and serve written submissions in respect of the Notice of Motion within 14 (fourteen) days of service of plaintiff's submissions.

6. I will give directions on delivery of the ruling in due cause.

7. Further hearing of the suit shall be on 16<sup>th</sup> January 2018. Parties are advised to bring all their witnesses as the hearing may proceed on the following days.

**Dated, signed and delivered in open court at Nakuru this 6<sup>th</sup> day of December 2017.**

**D. O. OHUNGO**

**JUDGE**

In the presence of:

Mr. Ikua for defendants

Mr. Gatonye for plaintiff

Court Assistant: Gichaba