



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT DIVISION

E & L COURT CASE NO 35. OF 2013

JUDAH K. M'MBIJIWE M'RUKARIAPLAINTIFF/APPLICANT

VERSUS

CECILIA KIRUJA1ST DEFENDANT/RESPONDENT

KIRIINYA KIRUJA.....2ND DEFENDANT/RESPONDENT

R U L I N G

This application is dated 03/04/2013 and seeks orders:-

1. ***THAT the Application herein be certified as urgent and the same be heard on priority basis.***
2. ***THAT an order be issued for arrest and detention in prison for a term not exceeding six months against the Defendants/ Respondents for disobeying the court order issued herein on 29th January, 2013.***
3. ***THAT the order herein be served upon the O.C.S Subuiga Police Station for enforcement.***
4. ***THAT costs of this Application be provided for;***

The application is supported by the affidavit of JUDAH K. MBIJIWE M'RUKARIA and has the following grounds:-

- a. ***THAT the Defendants/Respondents were served with the orders issued on 29th January, 2013.***
- b. ***THAT the Defendants/Respondents have disobeyed and continued to disobey the order given herein issued on 29th January, 2013.***
- c. ***THAT the Defendants have become violent and are now threatening the Applicant with dire consequences including threats of assault and grievous bodily harm.***
- d. ***THAT the Defendants/Respondents have no respect for the rule of law and have vowed not to obey any Court orders.***

Mr. Mukira Kaume for the Plaintiff has told the Court that the application is not opposed. Mr, Mwirigi for the Defendants told the Court that his Clients had vanished into thin air and had never returned to his Chambers since they gave him initial instructions. He left it to the Court to decide on the next course of action.

The defendants ignored Court Orders and went ahead to bury a body on the suit land. I opine that they deserve to be punished for flagrantly and with nonchalant impunity disobeying this Court's Orders. They have veritably savaged the integrity of this Court.

The 1st Defendant is a very old lady. I opine that she was misled by the 2nd Defendant, her son. I will spare her punishment. The 2nd Defendant will be punished. I issue orders as follows:-

1. ***An order is issued for the arrest and detention in prison for a term of six months against the 2nd Defendant KIRIINYA KIRUJA for disobeying this Courts' Order issued on 29/01/2013.***
2. ***The Order to arrest and detain the 2nd Defendant KIRIINYA KIRUJA, be served upon the O.C.S Subuiga Police Station for enforcement.***

It is so ordered.

Delivered in Open Court at Meru this 8th day of March, 2016 in the present of:-

CC: Daniel/Lilian

Mukira Kaume for plaintiff

Mwirigi for Defendants

P. M. NJOROGE

JUDGE