



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
ENVIRONMENT AND LAND DIVISION
CIVIL SUIT NO 24 OF 2016

JULIUS KIAMBI M'IKIARA.....PLAINTIFF

VERSUS

M'IKIARA GAITIRITHIA.....1ST DEFENDANT

LOISE KIENDE KIARA.....2ND DEFENDANT

JANE NTHANGA.....3RD DEFENDANT

EVANGELINE KIRIGO IKIARA.....4TH DEFENDANT

RULING

1. This Court when dealing with a Notice of Motion for contempt proceedings filed by the Defendants on 14/07/2016 ordered that Status Quo be maintained as per a Consent dated 20/07/2014. The Status Quo concerned Parcel Numbers 1688,1689,1690 and 1691. The Plaintiff is supposed to own Parcel No. 1690.
2. The Plaintiff has admitted that he has been trespassing on Land Parcel Nos. NKUENE/URUKU/ 1688, 1689 and 1691. I hereby find him guilty of disobeying Court Orders.
3. I have considered the mitigating factors proffered by Advocate Gichunge. Since the Plaintiff has admitted to Court that he has disobeyed Court Orders, I find it necessary to vacate the Interim Orders granted in his favour on 20/04/2016 and extended thereafter. The Orders are vacated forthwith.
4. The Plaintiff, as undertaken by Advocate Gichunge, is ORDERED not to trespass on Land Parcel Nos. NKUENE/URUKU/1689, 1690 and 1691 until this suit is heard and determined.
5. As the Defendants have admitted that the Plaintiff has a house on Parcel No. NKUENE/URUKU/1688, I allow the plaintiff to have access to that parcel of land pending hearing and determination of the suit.
6. The Plaintiff is ordered to obey the orders issued by the Court today and should be disobey them, the Court will consider appropriate punishment.
7. The Plaintiff, the alleged Contemnor, is to personally be in Court on 07/11/2016 when this matter will come up for directions and when the orders issued by this Court today will be reviewed.
8. A copy of the scene visit report dated 04/08/2016 is to be availed to the parties at their cost.

9. Directions on 07/11/2016.

10. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 20TH DAY OF SEPTEMBER, 2016 IN THE PRESENCE OF:-

Gichunge for the Plaintiff

Muthomi for the Defendants

P.M. NJOROGE

JUDGE