



REPUBLIC OF KENYA
IN THE ENVIRONMENT & LAND COURT

E & L CASE NO. 163 OF 2016

LAWRENCE MITHIKA & 25 OTHERSPLAINTIFF

VERSUS

SOLOMON MUTEA NCHEBERE & 6 OTHERS.....DEFENDANTS

R U L I N G

1. This application is brought to Court under Section 19 (1) of the Environment and Land Court Act and Order 40 rule 3(1) of the Civil Procedure Rules.

2. It seeks orders:-

a. THAT this Honourable Court be pleased to certify this application as urgent and order that the same be heard expeditiously.

b. THAT this Honourable Court be pleased to order the Defendants/Respondents to immediately and forthwith purge the contempt by opening and removing the padlock put by the defendants to close entry to the premises subject herein against a lawful Court order.

c. THAT the Honourable Court be pleased to commit all the defendants/respondents (except the 5th defendant) herein to civil jail for a period not exceeding 6 months with fine or both for disobedience of a lawful Court order issued on 19th September, 2016.

AND OR IN THE ALTERNATIVE

d. Summon all defendants/respondents and their agents to court to show cause why they should not be committed to Civil Jail or be fined by Court for disobedience of a lawful Court order.

e. That the Court may issue such further orders to stamp its authority.

f. That costs of this application be provided for.

3. Mr. Nyenyire, holding brief for Mr. Ondari for the applicant told the Court that Mr. Ondari was relying on the grounds on the face of the Notice of Motion and on the affidavits of the Plaintiffs .

4. Mr. Nyenyire asked the Court to punish the defendants for openly being in contempt of Court. He opined that this would uphold the integrity of the Court.

5. I have perused the pleadings and considered the Submissions proffered by the applicants' Advocates.

6. I allow the application in terms of prayer (d) so that the Defendants/Respondents can show cause why they should not be punished for disobedience of a Court Order.

7. The Defendants/Respondents should be served personally so that they can be in Court on 6th December, 2016 to show cause why they should not be punished for disobedience of a court order.

8. The Defendants'/Respondents' Advocate should be properly served with the orders issued by the Court today.

9. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 21ST DAY OF NOVEMBER, 2016 IN THE PRESENCE OF:

C:A : Daniel/James

Nyenyire h/b Ondari for the Applicants.

P.M. NJOROGE

JUDGE