



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**ENVIRONMENT AND LAND COURT**  
**ELC NO. 3087 OF 1981**

**MARGARET ROSE WAMBUI ..... PLAINTIFF**

**VERSUS**

**SILVESTER JOHN NJOROGE..... DEFENDANT**

**RULING**

Coming up before me for determination is the Defendant's Notice of Motion dated 26<sup>th</sup> June 2014 in which he seeks for the following orders:

1. Spent.
2. That this honorable court be pleased to review the order made on 16<sup>th</sup> May 2014 and substitute the same with an order that the Defendant/Applicant do pay a fine in the alternative to the jail sentence.
3. That in the alternative this honourable court do reduce the term of committal to jail.
4. That without prejudice to the above, this court do make such orders as it may deem fit and just.

It is true that on 16<sup>th</sup> May 2014 this court ordered that the Defendant be committed to civil jail for 6 months for contempt of court. As at today's date, the Defendant has already served his 6 months in civil jail and has been released. Accordingly, this Application has been overtaken by events. The same is therefore hereby dismissed. Costs shall be in the cause.

**DELIVERED AND SIGNED IN NAIROBI THIS 23<sup>RD</sup>**

**DAY OF JANUARY 2015.**

**MARY M. GITUMBI**

**JUDGE**

