



**Kori v Kirui & another (Environment & Land Case 476 of 2017)
[2025] KEELC 2981 (KLR) (28 March 2025) (Ruling)**

Neutral citation: [2025] KEELC 2981 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE 476 OF 2017**

**A OMBWAYO, J
MARCH 28, 2025**

BETWEEN

REUBEN KORIR PLAINTIFF

AND

JOSEPH KIRUI 1ST DEFENDANT

ALICE KIRUI 2ND DEFENDANT

RULING

1. Boaz Kiprotich Ngetich a person not known in this matter and who is not a party has brought this application for contempt seeking orders that this Application be certified urgent and heard ex parte in the first instance. That this Honorable court be pleased to order the immediate arrest of Alice Kirui, the 1st Contemnor herein and she be presented in court, cited and adjudged guilty for contempt of court orders issued on 5th March 2018. That this Honorable court be pleased to order the immediate arrest of John Kirui, the 2nd Contemnor herein and he be presented in court, cited and adjudged guilty for contempt of court orders issued on 5th March 2018. This Honorable court be pleased to order the immediate arrest of PC Henry Mitey, the 3rd Contemnor herein and he be presented in court, cited and adjudged guilty for contempt of court orders issued on 5th March 2018;

He prays that this Honorable Court be pleased to commit Alice Kirui the 1st Contemnor herein to imprisonment for a period of six months for disobeying and being in contempt of the orders of this Honorable Court issued on 5th March 2018.

2. This Honorable Court be pleased to commit John Kirui, the 2nd Contemnor herein to imprisonment for a period of six months for disobeying and being in contempt of the orders of this Honorable
3. Court issued on 5th March, 2018. This Honorable Court be pleased to commit PC Henry Mitey, the 3rd Contemnor herein to imprisonment for a period of six months for disobeying and being in



contempt of the orders of this Honorable Court issued on 5th March 2018. That the Ist respondents/ contemnors be denied audience of court until they purge the contempt.

4. The application is based on grounds that the alleged contemnor have disobeyed the court order recorded on 5th of March 2018 whose import was to maintain status quo in Nakuru/Terete /117. That the defendant have entered the property unlawfully and issued threats to the plaintiffs. The application is supported by the affidavit of Boaz K Ngetich.
5. Alice Kirui has filed a replying affidavit stating that she has no idea who Boaz Kiprotich Ngetich is.
6. She states that the supporting affidavit is defective because Boaz Kiproprop Ngetich is not a party in the suit.
7. I have considered the application and do find that the plaintiff died on 13th June 2024. The consent was entered earlier on 5th March 2018. It appears that the deceased plaintiff has not been substituted and therefore no proceedings cannot be undertaken before substitution. The upshot of the above is that the application is incompetent as the applicant lacks capacity to sue on behalf of the deceased and the same is struck out with costs.

SIGNED BY: HON. JUSTICE ANTONY O. OMBWAYO

THE JUDICIARY OF KENYA.

NAKURU ENVIRONMENT AND LAND COURT

ENVIRONMENT AND LAND COURT

DATE: 2025-03-28 11:18:39

