



Chumz Limited v Mageeta Investment Limited; Kivida, OCPD Dagoretti North & another (Contemnor); Khan t/a Motor Atrep (Interested Party) (Environment & Land Case E362 of 2022) [2024] KEELC 13984 (KLR) (17 December 2024) (Ruling)

Neutral citation: [2024] KEELC 13984 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E362 OF 2022
LN MBUGUA, J
DECEMBER 17, 2024**

BETWEEN

CHUMZ LIMITED PLAINTIFF

AND

MAGEETA INVESTMENT LIMITED DEFENDANT

AND

BONFACE KIVIDA, OCPD DAGORETTI NORTH CONTEMNOR

AHMEDLATIF ABDI, OCS MUTHANGARI POLICE STATION . CONTEMNOR

AND

ADIL KHAN T/A MOTOR ATREP INTERESTED PARTY

RULING

1. Vide a ruling dated 19.9.2024, one Ashish Magon was found to be in contempt of the court orders of 20.4.2023, hence a Notice to Show Cause as to why he should not be punished for the said contempt was issued. This ruling relates to the notice to show cause proceedings. The contemnor has apparently voiced his arguments through his affidavit dated 19.11.2024. He contends that he did not violate the court order.
2. I find not the slightest move by the contemnor to purge the contempt. In the circumstances, the court will proceed to punish the contemnor accordingly. To this end, the court invokes the provisions of Section 29 of the *Environment and Land Court Act* which stipulates that;
Any person who refuses, fails or neglects to obey an order or direction of the court given under this Act, commits an offence, and shall, on conviction, be liable to a fine not exceeding twenty million shillings or to imprisonment for a term not exceeding two years, or to both”.



**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 17th DAY OF DECEMBER 2024
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:

M/s Wasonga holding brief for Mr. Kirimi for Plaintiff/Applicant

M/s Wakarima holding brief for Chege for the Contemnor

Ambala for Interested Party

Court Assistant: Vena

