



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
LAND AND ENVIRONMENT DIVISION

ENVIRONMENT AND LAND COURT CASE NO. 95 OF 2014(OS)

MARK MURIUKI KIRIMA.....PLAINTIFF

VERSUS

ISABELLA KATHUNI M'MUNGANIA.....DEFENDANT

RULING

1. This application is dated 25th July, 2016 and seeks orders:-

- (1) THAT in the first instance, this application be certified as urgent and the same be heard ex-parte on a priority basis.***
- (2) THAT this Honourable Court be pleased to issue an order that the Defendant/Respondent herein ISABELLA KATHUNI M' MUNGANIA do attend this Court and show cause why she should not be punished for contempt of Court for the disobedience of this Court's Orders dated 23/06/2014 and extended on 07/10/2014.***
- (3) THAT this Honourable Court be pleased to issue further orders and empower the O.C.S Nkubu Police Station to supervise and ensure that the orders issued by this Honourable Court herein are complied with by the said Defendant/Respondent ISABELLA KATHUNI M'MUNGANIA and agents servants.***
- (4) THAT this Honourable Court be pleased to issue Penal Notice and consequences for non-compliance with the Court Orders issued herein against the said Defendant/Respondent ISABELLA KATHUNI M'MUNGANIA and her agents and/or servants.***
- (5) THAT the costs of this application be provided for.***

2. The application is supported by the affidavit of MARK MURIUKI KIRIMA and has the following grounds:-

- a) The dispute herein involves L.R. NO NKUNE/NG'ONYI/783.***
- b) The suit was filed under Certificate of Urgency and the Court issued the orders on 23/6/2014 and 7/10/2014.***
- c) The Defendant/ Respondent has disobeyed the Court Orders and on 18/07/2016, descended on the suit land accompanied by hired goons and sprayed the Plaintiff's /Applicant's crops and***

Nappier grass with impunity by non-selective herbicide.

d) The Defendant /Respondent has indeed disobeyed the lawful Court Orders issued on 23/06/2014 and 07/10/2014 with impunity.

e) That the said Court orders were duly served on the Defendant/Respondent personally and she is duly aware of the orders.

3. Mr. Kiogora, Advocate, for the applicant told the Court that he relied on grounds on the face of the application and the applicant's Supporting Affidavit.

4. The application is not certified urgent.

5. Prayers 2, 3, and 4 are granted.

6. The alleged Contemnor, Isabella Kathuni M' Mungania, the Defendant, is ordered to personally attend Court on 13/09/2016 to show cause why she should not be punished for contempt of Court.

7. Directions on 13/09/2016.

8. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 28TH DAY OF JULY, 2016 IN THE PRESENCE OF:-

CC:Daniel/Lilian

P.M NJOROGE

JUDGE