



REPUBLIC OF KENYA



**Mirugi Kariuki & Co Advocates v Githua (Civil Appeal (Application)  
40 of 2019) [2025] KECA 437 (KLR) (6 March 2025) (Ruling)**

Neutral citation: [2025] KECA 437 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAKURU  
CIVIL APPEAL (APPLICATION) 40 OF 2019**

**JM MATIVO, JA**

**MARCH 6, 2025**

**BETWEEN**

**MIRUGI KARIUKI & CO ADVOCATES ..... APPLICANT**

**AND**

**ISAAC NGUGI GITHUA ..... RESPONDENT**

*(Being an application for orders to cease acting for the Respondent in the appeal serialized as Nakuru COACA No. 40 of 2019 from the judgement of the High Court of Kenya at Nakuru (J. Mulwa, J.) dated 26th May 2016 in Civil Appeal No.94 of 2013)*

**RULING**

1. Vide an application dated 16<sup>th</sup> May 2023, brought under Rules 23 (2) of the [Court of Appeal Rules 2022](#), and all other enabling provisions of the law, the applicant M/s Mirugi Kariuki & Co. Advocates prays for leave to cease acting for the respondent herein. The motion is supported by grounds on its body and a supporting affidavit sworn on 16<sup>th</sup> May 2023 by Lawrence Macharia Karanja advocate for the applicant.
2. The gravamen of the applicant's motion is that the applicant has not received instructions from the respondent on how to proceed with the matter despite numerous requests and advice.
3. The motion is not opposed by the respondent. I note that an affidavit of service sworn on 3<sup>rd</sup> March 2025 has been filed in Court on 4<sup>th</sup> March 2025 as evidence of service of the instant application and a hearing notice sent on 27<sup>th</sup> February 2025 upon the respondent herein.
4. Rule 23 (2) of the [Court of Appeal Rules 2022](#) requires an advocate who desires to cease acting for any party in a civil appeal or application to apply by notice of motion before a single Judge for leave to so cease from acting, and such advocate shall be deemed to have ceased to act for such party upon service on the party with a certified copy of the order of the Judge.



5. Accordingly, I allow the application and order that-
- a. counsel for the respondent shall be deemed as having ceased to act for the respondent upon serving the respondent with a certified copy of this order;
  - b. there shall be no orders as to costs.

**DATED AND DELIVERED AT NAKURU THIS 6<sup>TH</sup> DAY OF MARCH, 2025.**

**J. MATIVO**

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**JUDGE OF APPEAL**

I certify that this is a true copy of the original.

Signed.

**DEPUTY REGISTRAR.**

