



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CONSTITUTIONAL PETITION NO. 25 OF 2019

GEORGE PARIKEN OLE NAROK.....1ST PETITIONER

PAUL MAINA MUGO.....2ND PETITIONER

-VERSUS-

CABINET SECRETARY, MINISTRY OF

INDUSTRY, TRADE & CO-OPERATIVES.....1ST RESPONDENT

COMMISSIONER FOR

CO-OPERATIVE DEVELOPMENT.....2ND RESPONDENT

AND

KENYA FARMERS ASSOCIATION

LTD.....1ST INTERESTED PARTY

RULING

1. The Application herein is dated 5th December 2019 by the firm of Gatu Magana & Company Advocates. The application seeks the following orders:

i. Spent

ii. Spent

iii. That the Notice of Appointment of Advocates dated 28/22/2019 and any other documents/ pleadings filed by M/s Gitonga Muriuki & Co. Advocates purportedly on behalf of Kenya Farmers Association Limited the Interested Party Herein be struck out and expunged from the court record.

iv. That the firm of M/s Gitonga Muriuki & Co. Advocates be barred and stopped from purporting to act for and from making any representations or filing documents or pleadings for or on behalf of Kenya Farmers association Ltd, the Interested Party.

v. That costs of the Application be borne by the Respondents and/or by the firm of M/s Gitonga Muriuki & Co. Advocates.

2. The Application is supported by the grounds on the face of it and the Affidavit of David Ole Naeku who states that he is the Company Secretary of the Interested Party. He states that the Interested Party appointed the Firm of Gatu Magana & Company Advocates and that the Interested Party has never instructed any other advocates, as shown by the Letter of Instruction to the said firm marked DN 1. That the said firm of Gatu Magana & Company Advocates filed in court and served a Notice of Appointment on behalf of the Interested Party dated 22/11/2019 which they have attached and marked DN2.

3. That on 28/11/2019, when the matter came up on in Court, Ms. Gatu Magana & Co. advocates informed the Interested Party that another firm, M/s Gitonga Muriuki & Co. Advocates had on that day filed another Notice of Appointment (DN4) and had appeared in court purporting to act on behalf of the Interest Party.

4. That the Interested Party was perplexed by the turn of events and that they did not know, had never instructed, nor interacted with the said firm of M/s Gitonga Muriuki & Co. Advocates nor was the said firm in the panel of external lawyers for the Interested Party as shown in the letter marked DN5 dated 3/12/2019.
5. He reiterates that M/s Gitonga Muriuki & Co. Advocates does not have authority to act for or make any representations on behalf of KFA Limited and that their Notice of Appointment of Advocates dated 28/11/2019 should be struck out and expunged from the court record. That the said firm should also be restrained and barred from purporting and pretending to represent KFA Ltd as they have no authority to do so. He annexed a Demand letter dated DN 6 from Gatu Magana Advocates demanding that the M/s Gitonga Muriuki & Co. Advocates cease purporting to act for KFA Ltd.
6. He states further that the interests represented by Gitonga Muriuki & Co. Advocates would be totally and diametrically opposed to the interests of KFA Ltd. That the said advocates may have been appointed by the Respondents' appointees, the impugned Caretaker Board which stands disbarred and stayed by the orders of the Court dated 17/10/2019 and 14/11/2019 in Kapenguria High Court Judicial Review No.3 of 2019 (DN7) which barred the Respondents and the said purported Caretaker Board from interfering with the affairs of KFA Ltd.
7. He states that in purporting to appoint M/s Gitonga Muriuki & Co. Advocates to act for KFA Ltd, the Caretaker Board and the said advocates were acting in contempt of court. That the legality and legitimacy of the said Caretaker Board and the legal mandate of the Respondents to appoint such a board were the sole subject of this matter and the respondents were trying to steal a match by purporting to appoint advocates for the Interested Party in a bid to push for legitimization of the Respondents' illegal actions, an act of abuse of the Court process by the Respondents.
8. That it was unlawful and professionally impermissible and untenable to purport to act for KFA Ltd when M/s Gatu Magana & Co. Advocates were already on record and still acting for KFA Ltd. That a party to litigation has the Constitutional prerogative to choose and decide by whom it will be represented in Court and Legal counsel cannot be chosen for and forced upon a party without the party's consent, hence this application.
9. The Application was opposed by the Affidavit of Dr. Kiringai Kamau dated 16th December 2019 and filed by Gitonga Muriuki & Co. Advocates. Dr. Kiringai Kariuki states that he is the Interim Chairman of the Interested Party. He depones that he, together with his co-caretaker directors were duly appointed by the Acting Commissioner for Cooperative Development, Ministry of Industry, Trade and Cooperatives vide letters of appointment dated 24th September 2019 and formerly vide Gazette Notice No. 10384 of 24th October 2019 annexed and marked K.K 1(a) and (b) respectively.
10. That they held their inaugural board meeting on 7th October 2019 at Kenya Farmers Association Board Room chaired by the Acting Commissioner for Cooperatives which included the items listed under Paragraph 4 of the Affidavit and the Copy of minutes annexed and Marked KK2. That the meeting was attended by all of them including the Outgoing Managing Director and Mr. David T. Naeku. That in his remarks, the Acting Commissioner informed them that the restructuring of KFA was a Presidential Directive to the Cabinet Secretary Industry, Trade and Cooperatives who consequently had directed him to dissolve the then Board and replaced it with ten new members, five of whom were in the outgoing board, including the Managing Director to serve for a period of six (6) months.
11. That the Acting Commissioner clarified contrary to the unfounded believe (sic) that KFA was a limited liability company, it was in fact a Cooperative society Registration Number CS/4100 of 31st December 1984 under the name Kenya Grain Growers Co-Cooperative Union Limited (KGGCU) which later changed name to Kenya Farmers Association (KFA) in the year 1996 solely as a Cooperative Society under his purview as per the provisions of the Cooperative Societies Act.
12. That at the said meeting, he (Dr. Kiringai) was appointed as the Chairman of the caretaker Board and Richard K. Mibei as the Vice Chairman. That Committees of the Board were also established which included Administration, Finance & Strategy Committee chaired by Prof. Wills Oluoch Kosura and the Audit Committee chaired by Ms. Stella Karanja.
13. That at the close of the meeting, the outgoing Managing Director expressed appreciation of the government's timely decision to restructure KFA and pledged full support of the Caretaker Board in implementation of the Presidential Directive. He also called on support of all stakeholders to enable the new caretaker Board deliver its mandate. The meeting ended at about 14.10 hours after a tour of KFA's Nakuru Head office. That they were all paid a sitting allowance following their inaugural meeting and processed with the approval of the outgoing Managing Director Mr. Symon K. Cherogony.
14. He further depones that as part of his new assignment as the new chairman of the Interested Party, he presided over a meeting held on 14th October 2019 and attended by two of his fellow caretaker directors Mr. Kipkorir Menjo and Mr. Symon K. Cherogony, the Managing Director and Officers of OCP Africa at KFA's Head Office. He attached a copy of the minutes marked KK3.
15. That they held a second meeting on 23rd October 2019 at the Ministry's Headquarters at NSSF Building attended by all caretaker directors where they appointed new bank signatories and forwarded to the bank but later learned that the Managing Director unilaterally withdrew the instructions for strange and unexplained reasons.
16. He depones that he is aware that after the inauguration, Mr. Kipkorir Menjo, one of the outgoing directors held a press conference in Eldoret welcoming the new board and the efforts of restructuring KFA as per the Presidential Directive and pledging support for the new team. That on 14th November 2019, they held their third board meeting which among other issues unanimously appointed the firm of Gitonga Muriuki & Company Advocates to represent Kenya Farmers Association in this matter as shown in the copy of minutes marked k. K. 4.
17. He further depones that the firm of Gatu Magana & Company Advocates was purportedly , illegally, unilaterally and unprocedurally and

without power under the Cooperative Societies Act or even the Companies Act appointed by the Outgoing Managing Director and cannot be said to be acting in the best interests of the Organization and its members in that judgments have been entered against it yet the Managing Director and the firm of Gatu Magana & Company Advocates have taken no steps to recover the said properties.

18. That to the best of his knowledge, they had not appointed the firm of Gatu Magana & Company Advocates to act for the Interested Party in this matter and the Managing Director had no capacity, mandate and authority to unilaterally appoint a firm of advocates without approval of the board. That Mr. David T. Naeku, the alleged Company Secretary had not been authorized by the Caretaker Board to execute any documents or pleadings on behalf of the Interested Party and his actions were therefore fraudulent, criminal and acts of insubordination.

19. That the conduct, demeanor and representation of J. W. Gatu Magana appears to represent the interests of the Petitioners and not the Organization. That she had been acting very unprofessionally and unethically as evidenced by her two letters, one to their advocates on record marked DN6 in the supporting affidavit of Mr. David ole Naeku in the instant application and the second one addressed to the Commissioners and Dr. Kiringai himself (marked KK5)

20. That going by the pleadings already on record, there is no Kenya Farmers Association to appoint her as what is registered is Kenya Grain Growers Co-operative Union Limited (KGGCU) and that the orders obtained at Kapenguria High court were after they were inaugurated and held three board meetings highlighted above. That to the best of his knowledge and for very suspicious and strange reasons, the pleadings alleged to have been filed by the firm of Gatu Magana & Company Advocates on behalf of the Interested Party as per paragraph 3 of its letter to their advocates on record have not been served upon the 1st and 2nd Respondents in the matter.

21. He concluded by urging the court to find that the firm of Gatu Magana & Company advocates was illegally unprocedurally and irregularly appointed to act for the Interested party and that its purported representation was not in the best interest of the interests of KFA hence all pleadings filed by the said firm on behalf of the Interested Party be expunged from the record and the application dated 5th December 2019 be dismissed with costs.

22. The application was also apposed by the 2nd Respondent through a Replying Affidavit sworn by Geoffrey N. Njang'ombe. He deponed that the application dated 5th December 2019 lacked merit, was frivolous and vexatious and an outright abuse of the court process. He deponed further that the said application was misconceived, mischievous, and ill-advised and its purpose was to block this Honourable Court from knowing the truth and even without going to the merit of the suit, the same was not only misplaced but misguided and an abuse of the judicial process.

23. It was his deposition that to the best of his knowledge and information, the said Mr. David Ole Naeku was not qualified to be a company secretary and did not have the capacity and ability to act as such. He was advised that Mr. Naeku's conduct bespoke acts of insubordination and disrespect to his employer, the Board of Directors as he did not have instructions to act as he was doing.

24. Mr. Njagómbé agreed with Dr. Kiringai Kamau's affidavit. He deponed that David Ole Naeku made a false affidavit before this court as he had attended meetings where the board was inaugurated, attended to the organization business and also participated in making of decisions such as the one appointing the firm of Gitonga Muriuki & Co. Advocates to represent the organization.

25. He deponed that he was certain that the organization was registered and legally in exists as a Cooperative Society and not a company as Mr. Naeku would like the court to believe. He urged the court to dismiss the application with costs.

26. The 3rd to 9th Interested Parties also filed a Replying Affidavit sworn by Samson Cherop Kandagor dated 16th January 2020. They associated themselves with the averments in the Affidavit of David Ole Naeku and stated further that the purpose of the Petition was to check and stop interference with the operations of the 1st Interested Party by the 1st and 2nd Respondents herein, who are not members or shareholders of their company and whose interests in their limited Liability Company is unknown to them.

27. That at no time had any resolution been passed by the shareholders of the company to invite the Respondents into running and/ or affairs of their company. That the shareholders learnt of the illegal attempts when it was brought to their attention that an attempt had been made to change the signatories of the company bank accounts. That they immediately proceeded to instruct their advocates now on record to inform the bank that the intended move was illegal as their directors had not been removed by law as required and the letter marked SCK 1 written to the bank.

28. That upon demanding from the company headquarters information on what had transpired to warrant the interference, he was informed by the Managing Director that the Respondents had issued directives that the Company Board of Directors be dissolved and replaced with another one appointed by the Respondents. That the Shareholders of the 1st Interested Party were not involved nor was there any meeting of the shareholders passing such resolutions or holding fresh elections for directions.

29. That according to them, at no time was the firm of Gitonga Muriuki & Company Advocates in the panel of advocates in the panel of external lawyers representing their company and no resolution has ever been passed in a general meeting of shareholders and admitting the said firm into the said panel. That he and the other shareholders have never instructed the firm of Gitonga Muriuki & Company Advocates to act for their company. That the firm known to them was the firm of Gatu Magana & Company Advocates and therefore the firm of Gitonga Muriuki was acting without instructions and should be barred and removed from the record in this matter.

30. The Applicant filed a Supplementary Affidavit in response to the Replying Affidavit of Dr. Kiringai Kamau dated 16th December 2019 and that of Geoffrey Njang'ombe dated 17th December 2019. He deponed that as the Acting Company Secretary, he was summoned and duly attended meetings of the impugned caretaker Board. That however, this was before the court orders dated 17th October 2019 and 14th November 2019 in Kapenguria High Court Judicial Review No. 3 of 2019 were brought to his attention and that upon the advice of their advocates Gatu Magana & Co. advocates, he and KFA Ltd ceased all any further participation in the activities of the impugned purported

caretaker board whose activities were stayed and barred by the court.

31. He deponed further that the Caretaker Board Minutes annexed to the Replying Affidavit of Kiringai Kamau dated 16th December 2019 were inauthentic and fabricated. That whereas the said minutes indicated that he as the Acting Company Secretary and was present and took the said minutes, the same were not signed by himself. He averred that he did not know who had prepared the minutes because he could not have prepared the said minutes after the court in Kapenguria had stayed/ barred activities of the impugned caretaker board.

32. Regarding the minutes of 14th November 2019, he deponed that there were such deliberations to appoint the firm of M/s Gitonga Muriuki & Co. Advocates at the said meeting and that if any such deliberations were held, they could only have been held at a different meeting at which he was not present. That in any event if such a meeting or deliberations or activities of the impugned caretaker board would be null and void *ab initio* the same having been done in contravention of court orders. He pointed out that the said minutes of 14th November 2019 were supposedly signed even by persons who are not indicated therein as having been present at the meeting hence they were clearly fake.

33. He deponed further that the purported minutes were crafted by the aforesaid Kiringai Kamau himself only after and in answer to the present application and the purported actions of the impugned caretaker board are contrary to the court order in Kapenguria and therefore contempt of court.

34. That despite the Respondents admitting the existence of the Court orders, they purport to challenge the same in this matter yet the same can only be challenged before the issuing court and not be fore this court. That the Respondents must obey the said court orders unless and until set aside by the court, irrespective of whether they agree or disagree with the said court orders.

35. That there was a pending application for contempt of court against the Respondents \ Dr. Kiringai Kamau and Geoffrey Njang'ombe who are all parties to the Kapenguria case as per the annexure marked DN 2 & 3.

36. That the position espoused in the affidavits of Dr. Kiringai Kamau and Geoffrey Njang'ombe were inimical to and did not represent the position of KFA Limited.

37. That KFA Ltd is represented by Gatungu Magana & Co. advocates who have been KFA's advocates having been appointed by the Board of Directors in 2011; that he had the requisite mandate, authority, and competence to swear affidavits on behalf of KFA LTD as the acting Company Secretary and that the Respondents were served with all the pleadings filed by the Interested Party as shown in his annexure DN4.

38. In his Replying Affidavit Dr. Kiringai insisted that Mr. David Ole Naeku did not have the capacity and or qualification to be a company secretary or at all and challenged him to give this Honourable court the details of his qualifications and the appointment to support e his legitimacy; that he had not responded to the issues raised in the affidavit of Dr. Kiringai Kamau on the induction and the facilitation of the board by the management in Nakuru and the meetings before the Commissioner and the Cabinet Secretary

39. He added that it was noteworthy that some other persons who were coming on board as interested parties in their alleged capacity as members of Kenya Farmers Association did not have of share certificate or membership cards That he was reliably informed these were brokers and idlers who have been hanging around the society's office for very suspicious and strange purposes and therefore busy bodies.

40. He averred that it was incumbent on the court to determine whether the organization in the matter exists because that would go to the root of the jurisdiction of this court; that the interested party is a Co-operative court should have been the Co-operative Tribunal.

41. The Applicant filed submissions dated 22nd February 2021 They cited Rule 6(1) of the Advocates Practice Rules (under the Advocates Act) provides that an advocate may act for a client in a matter in which he knows or has reason to believe another advocate is then acting for that client only with the consent of that other Advocate and Regulation 61 of the Law Society of Kenya Code of Standards of Professional Practice and Ethical Conduct which provides that before accepting engagement, the successor advocate should be satisfied that the former advocate approves or has withdrawn or been discharged by the client. The applicant accused the firm of Gitonga Muriuki of unlawful and grave professional misconduct for purporting to act for the Interested Party.

42. The applicant also submitted that the firm of Gitonga Muriuki & Co. Advocates have no instructions from the Interested Party and rely on Order 9 Rule 4, 5 and 7 of the Civil Procedure Rules. They also relied on the case of Joshua Nyamache T. Omasire -vs- Charles Kiranga Maena (2002) eKLR, where the court expunged an application from the record for being filed by an advocate not on record; the case of Rono Sitienei & 4 others Vs Pharmacy and Poisons Board in support of their argument that it amounted to a conflict of interest where the interests of the advocate are inimical to those of the party they purport to represent; on the case of Salesians of Don Bosco & Another Vs Dagoreti Youth Centre Limited (2013) eKLR and urged the court to strike out documents filed by the firm of Gitonga Muriuki & Company Advocates.

43. The Applicant submitted that in the absence of a retainer or proof of one, the firm of Gitonga Muriuki & Co. Advocates had failed to discharge the onus of proving that they were indeed appointed by the Interested Party. In this regard they have cited the cases of of Omulele & Tollo Advocates v Mount Holdings Limited (2016) KLR, Stephen Alouch Kopor & Co Advocates y Cornel Rasanga Amoth (2017/ KLR and Wilfred N Konosi t/a Konosi Co. Advocates vs. Flamco Limited. The also submit that the Caretaker Board had no mandate to appoint an advocate for the Interested Party, having been barred from acting in Kapenguria High Court Judicial Review No. 3 of 2019. vide two (2) Court Orders dated 07/10/2019 and 14/11/2019. They cited the case of Odera Obar & Co. Advocates y Charterhouse Bank limited /2014/ KLR.

44. They submitted further that the said firm of Gitonga Muriuki & Co. Advocates was in contempt of court of the Orders given by the High Court in Kapenguria and that a party who has not purged their contempt should not be given audience by the court. In addition that the High Court in Kapenguria already barred the Gitonga Muriuki & Co. Advocates from acting for the Interested Party and urged this court to reach a similar finding.

45. I did not see any submissions by the firm of Gitonga Muriuki and Co Advocates

Analysis and Determination

46. Having considered the affidavits and the submissions the issues for determination appear to be

- a. Who is the instructing client?
- b. Which firm of advocates is properly on record for the Interested Party?
- c. Whether the documents of the Firm not properly on record should be expunged from the record.
- d. Who should bear costs?

47. It is evident from the documents on record that there appears to be a conflict as to who the instructing client is. The firm of Gatu Magana and Co advocates appears to have been instructed by the interested party KFA LTD, yet the Care Taker Committee speaks of an outfit going by the name Kenya Farmers Association that metamorphosed into Kenya Grain Growers Cooperative Union. Surely these two outfits cannot exist as the same legal entity. One is a co-operative, the other is a limited liability company. Other than the claim by the respondents that the interested party is a cooperative union, no evidence was placed before the court that it is the exact same body as KGGCU. Even the appointment of a caretaker board to the Kenya Farmers Association Limited by the Ag. Commissioner of Co-operatives is, on the face of it, an anomaly. What is the Commissioner of Co-operatives doing with a limited liability company?

48. An advocate is an agent of the client they represent and can therefore only represent a party with the correct authority. It is trite that the donor of such authority to act must first have the authority, to properly donate the same to their agent. According to Halsbury's Laws of England, (supra) at page 14 para 764, where an oral retainer exists or where a retainer relationship is implied, the relationship thus created is a fiduciary one **with the advocate being the agent and the client his principal. As a result, the parties' rights and obligations fall within the realm of the Law of agency.**

49. In determining which firm has the proper authority, the question to be answered is whether the Caretaker Board of the interested party had the authority to appoint advocates for the 1st Interested Party.

50. It is not in dispute that the firm of Gitonga Muriuki was appointed by the Caretaker Board. It is not in dispute that the said Board was barred from transacting or acting on behalf of the Interested Party by a court order in *Kapenguria Judicial Review No. 3 of 2019*. It is clear that the Court at Kapenguria barred the caretaker board from carrying on. The Orders referred to are dated 17/10/2019 and 14/11/2019 while the letters of appointment are dated 24th September 2019 and Gazette Notice No. 10384 of 24th October 2019 annexed and marked K.K 1(a) and (b) respectively. Paragraph 3 of the Order States:

That the Stay Orders issued herein on 17/10/2019 shall apply with equal force to the actions of the Respondents, including the Purported Gazette Notice Number 10384 by the Commissioner for Cooperative Development dated 24/10/2019 and published on 01/11/2019, which is hereby stayed.

51. The Orders did not precede their appointment. The purport of the order is that any action carried out by the Caretaker Board during the subsistence of the said order would be a nullity.

52. The alleged meetings of the caretaker board took place on 17th October 2019 and 14th November 2019, the same dates when the two court orders barring its activities were issued. It appears that the sole purpose of the meetings was to bypass court orders and render them useless. In any case, the order of 17th October 2019 had barred the caretaker board from taking office and their meeting of 14th November 2019 together with any decisions flowing therefrom are a nullity.

53. It is on record that the firm of Gatu Magana & Company Advocates entered appearance by filing a Notice of Appointment of Advocates for the 1st Interested Party -dated 21/11/2019 and filed in Court on 22nd November 2019. The firm of M/s Gitonga Muriuki & Co. Advocates also filed a Notice of Appointment of Advocates for the Interested Party on 28th November 2019. The Respondents do not dispute that at the time of Gitonga Muriuki & Co. Advocates filing their Notice of Appointment, there was another firm of advocates on record.

54. Certainly, the minutes of 14th November 2019 they intend to rely on also purport to change the advocates. The last paragraph of Min 7/11: Closing Remarks is worded as follows:

Pursuant to the foregoing, the members agreed that the lawyers representing the board would be changed to a Nairobi Lawyer for ease of Communication with the State Counsel and members resolved to appoint Gitonga Muriuki as lawyer for the Board with immediate effect.

55. This is a clear indication that there was an advocate on record and the Care Taker Board wished to replace the said advocates with the firm of Gitonga Muriuki. On the procedure for change of advocates, the Civil Procedure Rules Provide as follows:

Change of advocate [Order 9, rule 5.]

A party suing or defending by an advocate shall be at liberty to change his advocate in any cause or matter, without an order for

that purpose, but unless and until notice of any change of advocate is filed in the court in which such cause or matter is proceeding and served in accordance with rule 6, the former advocate shall, subject to rules 12 and 13 be considered the advocate of the party until the final conclusion of the cause or matter, including any review or appeal.

Service of notice of change of advocate [Order 9, rule 6.]

The party giving the notice shall serve on every other party to the cause or matter (not being a party in default as to entry of appearance) and on the former advocate a copy of the notice endorsed with a memorandum stating that the notice has been duly filed in the appropriate court (naming it).

56. The correct procedure was for the firm of Gitonga Muriuki to file a Notice of Change of Advocates and serve the same upon the advocate already on record vide the provisions of Order 9 Rule 5 and 6 of the Civil Procedure Rules.

57. Should the Notice of Appointment of Advocates and other documents filed by the firm of Gitonga Muriuki and Co. Advocates be expunged from the record?

58. It is evident that the interested party did not instruct the firm of Gitonga Muriuki & Co Advocates. It is also evident that the Caretaker Board had no authority to appoint the said firm of advocates. In a similar matter in High Court (Kapenguria) JR3 of 2019 the Judge (*Ruth N. Sitati J*) found that the said firm Gitonga Muriuki & Co Advocates was wrongfully on record and expunged the Notice of Appointment and all other documents filed in that case by the said firm.

59. In *Alvin Kamande Njenga vs Esther Njeri Njenga [2016] eKLR*, the court expunged a Notice of Appointment of Advocates for the reason that the same had been filed without consent of the party whom the said firm of advocates purported to represent. Similarly, in this case, the firm of Gitonga Muriuki & Co. Advocates was instructed by an entity that did not have power to act on behalf of the 1st Interested Party. They therefore lacked the proper authority to be on record and any documents filed by them are improperly on record.

60. From the foregoing, it is clear that the application dated 5th December 2019 is merited and is allowed in the following terms:

A. The Notice of Appointment of Advocates dated 28/22/2019 together with any other documents and pleadings filed by M/s Gitonga Muriuki & Co. Advocates purportedly on behalf of Kenya Farmers Association Limited the 1st Interested Party be and are hereby struck out and expunged from the court record.

B. The firm of M/s Gitonga Muriuki & Co. Advocates be and is hereby barred and stopped from purporting to act for and from making any representations or filing documents or pleadings for or on behalf of Kenya Farmers association Ltd, the Interested Party unless properly appointed by the 1st Interested Party.

C. The costs of this application be borne by Respondents and the firm of Gitonga Muriuki & Co Advocates.

D. Orders Accordingly

Right of Appeal 30 days

DATED AND DELIVERED VIA EMAIL THIS 31ST MAY 2021.

MUMBUA T MATHEKA

JUDGE

Court Assistant: Edna

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