



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CIVIL APPEAL NO. 245 OF 2019**

**KENNEDY MUTINDA MORRIS.....APPELLANT**

**VERSUS**

**FLARE RESCUE KENYA .....RESPONDENT**

**DIRECTIONS**

This matter was set for ruling today 27<sup>th</sup> May, 2021. Subsequently, the advocate then on record for the appellant lodged an application by way of Chamber Summons dated 11<sup>th</sup> May, 2021 seeking an order that leave be granted to withdraw and or cease acting for the appellant.

There was also filed, a Notice of withdrawal from acting for the appellant in this appeal. The application and the notice of withdrawal were to be served upon the advocates for the respondent and the Chief Magistrate. However, there is no indication that the appellant was served, yet it is the appellant who was represented by counsel now withdrawing from the appeal.

No adverse order may be made against a party by an advocate already on record and without notice. Accordingly, the ruling date is hereby vacated and the firm of Maruja and Amunga Advocates ordered to serve the appellant with the withdrawal notice and the Chamber summons application dated 11<sup>th</sup> May, 2021. This matter shall then be mentioned before the Duty Judge on 22<sup>nd</sup> June, 2021 for directions.

Dated, signed and delivered at NAIROBI this 27<sup>th</sup> day of May, 2021.

**A. MBOGHOLI MSAGHA**

**JUDGE**

In the presence of:

N/A for the appellant.

Ms. Wataka for the respondent.