



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

COMMERCIAL AND TAX DIVISION

HCCC NO. E100 OF 2018

MUTHATHI MUSYOKA MUNYAMBU.....1ST PLAINTIFF/APPLICANT

MUSYOKA MUNYAMBU.....2ND PLAINTIFF/APPLICANT

SHADRACK VUNDI MUSYOKA.....3RD PLAINTIFF/APPLICANT

-VERSUS-

COUNTY CAPITAL LIMITED.....1ST DEFENDANT/RESPONDENT

CAROLINE MUMBI KIBARU.....2ND DEFENDANT/RESPONDENT

BENSON KARIUKI IRERI.....3RD DEFENDANT/RESPONDENT

RULING

1. This ruling is in respect to two applications, namely: -

a) The application dated 24th June 2019 wherein the plaintiffs seeks the following orders: -

1. That the honourable court be pleased to approve John Mulinga Musyoka who is holding a Power of Attorney donated by the 1st and 2nd plaintiffs, authorizing him to appear, make applications, sign documents and to testify on behalf of the 1st and 2nd plaintiff herein.

2. That the approval granted by this honourable court be deemed to operate from the date of filing of this suit and consequently the acts undertaken by John Mulinga Musyoka in this suit be deemed as valid;

3. That the costs of this application be provided for.

b) The application dated 29th September 2020 wherein the defendant's advocates, **M/S Morara Apiemu & Nyangito advocates** seek leave to cease acting for the defendants.

2. Both the applications were not opposed despite having been duly served on the respondents.

3. I have perused the affidavit of service dated 21st October 2020 regarding service of the application dated 29th September 2020 on the respondents. I am satisfied that the defendants were duly informed/served with the said application which they have not opposed.

4. Consequently, I grant leave to the law firm of **Morara Apeim & Nyangito advocates** to cease acting for the defendants herein.

5. Turning to the application dated 24th June 2019, I similarly note that the said application was served on the defendant's counsel on record and that the said application is also not opposed.

6. I therefore similarly allow the application dated 24th June 2019 as prayed.

7. I make no order as to costs.

Dated, signed and delivered via Microsoft Teams at Nairobi this 12th day of November 2020 in view of the declaration of measures restricting court operations due to Covid -19 pandemic and in light of the directions issued by his Lordship, the Chief Justice on the 17th April 2020.

W. A. OKWANY

JUDGE

In the presence of:

Miss Alhman for Nyaburi for Plaintiffs/Applicants

Mr. Muriuki for Morara for defendants

Court Assistant: Silvia