

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

CIVIL CASE NO. 219 OF 1997

NATIONAL BANK (K) LTD.....PLAINTIFF

VERSUS

MOSES KIPKEMBOI KIPRONO.....1ST DEFENDANT

NELSON KIPTUM KOECH.....2ND DEFENDANT

RULING

Ms Ledisha J. K Kittony and Company Advocates filed an application dated 23rd March 2018, to cease acting for the 2nd defendant. On 4th July, 2018 the court gave directions that this application be heard first. However the said application was not served upon the 2nd defendant and the court directed that he be served for its hearing. On 13th March, 2019 the court gave the hearing date of hearing of that application on 8th May, 2019. However on 8th May 2019 only Mr. Omwenga for the plaintiff was present. He indicated that the date was taken by consent between him and Ms Kipsei the Advocate for the 2nd defendant. He had served the advocate for the 1st defendant. He prayed for a ruling date to his application dated 18th February 1999. The said application seeks summary judgment. I do find that the prayer was prematurely made as on 8th May 2019 was for hearing of the application dated 23rd March, 2018 by Ms. Ledisha J.K Kittony and Company advocates to cease acting for the 2nd defendant and not for the application dated 18th February 1999 which had no hearing date. The ruling in respect of the said application cannot therefore be written now and delivered. A hearing date in respect of the same need be taken first. What needed to have been dealt with then is application dated 23rd March 2018.

S. M GITHINJI

JUDGE

DATED, SIGNED and DELIVERED at ELDORET this 25th day of June, 2019.

In the presence of:-

Mr. Mathai holding brief for Mr. Omwenga for Plaintiff/Respondent

And in absence of Ms Ledisha for defendant/Applicant

Ms Sarah - Court clerk