



**Elgon House (2010) Ltd v Meya Agri Traders Ltd (Land Case 121 of 2018) [2023] KEELC 21033 (KLR) (26 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 21033 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
LAND CASE 121 OF 2018  
FM NJOROGE, J  
OCTOBER 26, 2023**

**BETWEEN**

**ELGON HOUSE (2010) LTD ..... PLAINTIFF**

**AND**

**MEYA AGRI TRADERS LTD ..... DEFENDANT**

**RULING**

1. By an application dated 5/7/2023 the defendant prays that the firm of Sheth & Wathigo Advocates and all other advocates practicing in the name of Sheth & Wathigo Advocates be disqualified from representing the plaintiff in this matter and that the pleading filed by that firm be expunged from the court record.
2. The grounds on which the application is made are that the firm representing the plaintiff is privy to matters relating to the suit therein for and against the defendant as it had represented the plaintiff and the defendant in the negotiations including drafting and signing of the tenancy agreement which gave rise to the suit. The applicant avers that there is therefore a conflict of interest that will prejudice it as the advocates seek to rely and use facts obtained during the negotiations in the present suit against the defendant in complete breach of advocate client confidentiality.
3. I have perused the court record and I have found no response from the respondent. The applicant also filed submissions as ordered by the court for the disposal of the application but the respondent did not.
4. The application is therefore unopposed and I therefore grant it in terms of prayer no 2 thereof.
5. As regards prayer no 3, I have not found any reasonable ground adduced to warrant such a drastic action. In this court's view, the mere handing over of the record to any other counsel to handle would suffice; the need to send all the parties back to the drawing board regarding filing of pleadings and discovery will not therefore arise.



6. The costs of the application shall be borne by the plaintiff.

**DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 26<sup>TH</sup>  
DAY OF OCTOBER, 2023.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI.**

