



Editorial Summary

1. *Civil Appeal Miscellaneous*
2. *Civil Practice & Procedure*
3. *Representation*
4. *Application 4th February 2012*
 - i) *Leave to come on record.*
 - ii) *Former firm of advocates have dissolved.*
 - iii) *Applicant seek change of advocates*
5. *Held:*
 - i) *Advocate must at all times disclose the correct facts to court even if prejudicial.*
 - ii) *Application granted.*
6. *Case Law:*

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7. *Advocates* :

i) *B.M. Kuria holding brief for Otieno B.O. instructed by M/s
Mohammed Madhani & Co Advocates for appellant/ original
defendant.*

ii) *Muyundo instructed by D. W. Muyundo & Co Advocates for
respondent/original plaintiff*

**REPUBLIC OF KENYA
IN THE HIGH COURT
AT NAIROBI
MILIMANI LAW COURTS
Civil Appeal 66 of 2008**

SOCFINAF & CO. LTD APPELLANT/ ORIGINAL DEFENDANT

VERSUS

REGINA SYOMBUA KIIO RESPONDENT/ ORIGINAL PLAINTIFF

*(Being an appeal arising from the Judgment of Hon. A. Lorot (Senior Resident Magistrate) in Case No.
511 of 2004 dated 10th January 2008 at Gatundu)*

R U L I N G

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Application to come on record

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I. **BACKGROUND**

1. The respondent original plaintiff wishes to change advocate after judgment.
2. By an application of 4th February 2012, orders were sought under Order 9 rule 9(a) to permit the applicant engage a new advocate.
3. It transpired during the hearing of the application, that the former firm of advocates had dissolved. There was therefore no one to serve as the firm did not exist.
4. The respondent appellant had no objection to the application.

II FINDINGS

5. Where a firm of advocates does not exist, it has the same effect as to where one is a sole practitioner and or has passed away or is bankrupt. Full disclosure must always be made.
6. The litigant should first come on record and thereafter the new advocate seeks to file a notice of appointment.
7. I believe that is the best way to deal with the matter.
8. In the meantime, the application is hereby granted. Leave be and is hereby given for the advocate to come on record in this matter.

DATED THIS 26TH DAY OF MARCH 2012 AT NAIROBI

M.A. ANG'AWA

JUDGE

Advocates :

i) *B.M. Kuria holding brief for Otieno B.O. instructed by M/s
Mohammed Madhani & Co Advocates for appellant/ original defendant.*

ii) *Muyundo instructed by D. W. Muyundo & Co Advocates for respondent/original
plaintiff*