

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 20 of 2006

IN THE MATTER OF HOUSE NO. 431 COMPRISED IN NAIROBI LAND

REFERENCE NO. 93/431 PLAINSVIEW, NAIROBI

AND

IN THE MATTER OF SUCCESSION CAUSE NO. 2513 OF 1998

1. RAZIA IQBAL MAJOTHI

2. ROSY Y. MAJOTHI

3. HALIM MAJOTHIPLAINTIFFS

V E R S U S

1. FARIDA KARIM

2. ABID KARIMDEFENDANTS

R U L I N G

There is a judgment on record, even if it may turn out that it was irregularly sought by an advocate who had no practicing certificate and irregularly entered. But it has not been set aside; any change of advocates must therefore be sanctioned by leave of the court under Order III, rule 9A of the Civil Procedure Rules (the Rules).

No such leave has been sought or obtained. M/s Aming'a, Opiyo, Masese & Co., Advocates must therefore seek and obtain such leave if they wish to prosecute the application by notice of motion dated 18th July, 2007. I will give them a chance to obtain the necessary leave. They must so apply within fourteen (14) days of delivery of this ruling; otherwise the said application shall stand struck out with costs to the Respondents. I will also award costs of the proceedings that have prompted this short ruling to the Respondents. Those shall be the orders of the court.

DATED AT NAIROBI THIS 15TH DAY OF NOVEMBER, 2007

H. P. G. WAWERU

J U D G E

DELIVERED THIS 16TH DAY OF NOVEMBER, 2007