



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**CIVIL CASE NO. 771 OF 1994**

**JOSEPH KARIUKI THERENJA & OTHERS.....PLAINTIFFS**

**VERSUS**

**KENYA KAIRI FARMERS CO. LTD & 5 OTHERS.....DEFENDANTS**

**RULING**

**Order III Rule 9A of the Civil Procedure Rules provides that:**

***“When there is a change of Advocate, or when a party decides to act in person having previously engaged an advocate, after judgment has been passed, such change or intention to act in person shall not be effected without an order of the court upon an application with notice to the Advocate on record.”***

The firms of Mirugi Kariuki & Company Advocates and Waiganjo & Company Advocates have purported to be on record on behalf of the 1st Plaintiff. The said firm of Advocates did not seek the leave of this court before purporting to act on behalf of the 1st Plaintiff. The firm of Kiplenge, Ogolla & Mugambi Advocates did not also seek the leave of this court before coming on record as acting on behalf of the 1st Plaintiff. In the circumstances therefore the Application dated the 10th of March 2004 and filed on the same day and all the subsequent proceedings thereto were incompetent null and void. The application dated the 10th of March 2004 filed by the 1st Plaintiff is hereby struck out with costs to the Defendants. The 1st Plaintiff is at liberty to file an appropriate application before this court to enable the issues that he had raised to be determined on merits.

**DATED at NAKURU this 21st day of January 2005.**

**L. KIMARU**

**JUDGE**