



**Chesilut v Kipkorir & another (Environment & Land Case
E016 of 2022) [2025] KEELC 441 (KLR) (5 February 2025) (Ruling)**

Neutral citation: [2025] KEELC 441 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT & LAND CASE E016 OF 2022
GMA ONGONDO, J
FEBRUARY 5, 2025**

BETWEEN

WILLIAM CHESILUT PLAINTIFF

AND

EZEKIEL KIPKORIR 1ST DEFENDANT

DORCAS LELEI 2ND DEFENDANT

RULING

1. This ruling relates to an application by way of chamber summons dated 10th December 2024 by Obura Mbeche and Company Advocates for leave to cease acting for her defendant/applicant, Ezekiel Kipkorir and costs of the application be provided for.
2. The application is based on the three grounds stated on the face of the same and an affidavit of eight paragraphs sworn on even date by learned counsel Paschal Peter Oyuko Mbeche who averred, inter alia, that the defendant/ applicant has failed to provide his advocates on record with sufficient instructions to continue acting on his behalf. Further, that the applicant has expressed openly his dissatisfaction to advice rendered to him more particularly, when the court gave directions regarding a site visit to the suit property namely land reference number Nandi/Mutwot/325.
3. The defendant/applicant was duly served with the application as disclosed in the affidavit of service sworn on 20th January 2025 herein. Besides, there is no response to the application.
4. In that regard, is the application merited?
5. Mr Maina instructed by Mr Mbeche, learned counsel for the defendant/applicant referred to the application and the affidavit of service. Therefore, he urged the court to allow the application accordingly.



6. It must be noted that a duly instructed counsel appearing for a party in an action is held out as having implied general full authority as to all matters thereof; see *Neale v Lady Gordon Lennox* (1902) 1KB 838, *Kenya Commercial Bank Limited v Specialised Engineering Company Limited* (1980) eKLR.
7. Clearly, learned counsel has no sufficient instructions from the defendant/applicant in this matter. I find the application steadfast and meritorious.
8. Accordingly, the application is hereby allowed with costs to be borne by the defendant/applicant.
9. Orders accordingly.

DATED AND DELIVERED AT KAPSABET THIS 5TH DAY OF FEBRUARY 2025

HON. GEORGE M A ONGONDO

JUDGE

Present;

Mr Maina instructed by Mbeche learned counsel for the defendant/applicant

Mr Ngarngar learned counsel for the plaintiff

Walter, Court Assistant

