



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

ENVIRONMENT & LAND APPEAL NO. E003 OF 2020

ROBERT MUKEMBU MEENI.....APPELLANT

-VERSUS-

MUTUGI CIMBA.....1ST RESPONDENT

NYAGA KIIRA2ND RESPONDENT

MUGIIRA KIRIA.....3RD RESPONDENT

RULING

1. This application is dated **13th April, 2021** and seeks orders:

1.THAT the firm of Basilio Gitonga, Muriithi & Associates Advocates be granted leave to come on record in this matter in place of the firm of D.J. MBAYA & CO. ADVOCATES for the 1st Respondent.

2.THAT costs of this application be in the cause.

2. The application has the following grounds:

1.THAT the instant Appeal emanates for the decision of the lower court in MARIMANTI SPM ELC CASE NO. 13 OF 2017.

2.THAT a final judgment has been rendered in the Lower Court matter.

3.THAT the 1st Respondent was represented by the firm of D.J. MBAYA & CO. ADVOCATES in the proceedings before the Lower Court.

4.THAT the 1st Respondent is desirous of instructing another firm of Advocates in place of his former Advocates and hence this application.

5.THAT no party will suffer prejudice in the event the instant application is allowed.

3. The application is supported by the affidavit of advocate Mark Muriithi which states:

I, **MARK MURITHI** an adult male person of sound mind and of P.O. BOX 1491-60200, MERU do hereby make oath and state as follows:-

1. **THAT** I am an Advocate of the High court of Kenya practicing as such in the firm of Basilio Gitonga, Muriithi & Associates Advocates.

2. **THAT** the 1st Respondent has approached me seeking legal representation in this matter in place of D.J. MBAYA & CO. ADVOCATES.

3. **THAT** efforts to procure a consent from the firm of D.J. MBAYA & CO. ADVOCATES for purposes of change of advocates have been futile.

4. **THAT** the instant application is a mandatory prerequisite in accordance with the provisions of the law.

5. **THAT** this application is designed to serve the course of justice.

6. **THAT** I depose to the foregoing believing the same to be true and accurate to the best of my knowledge, belief and understanding.

4. I find that the application is meritorious.

5. Prayers 1 and 2 in the application are allowed.

WRITTEN AND DELIVERED IN OPEN COURT AT CHUKA THIS 21ST DAY OF APRIL, 2021 in the presence of:

CA: Ndegwa

Muthoni Mboi h/b J.G. Gitonga for the Appellant

Mark Muriithi for the 1st Respondent

Otieno for 2nd and 3rd Respondents absent

P. M. NJORGE,

JUDGE.