



**Republic v Director of Public Prosecution & 2 others; Kuria
(Exparte Applicant) (Judicial Review Application 164 of 2017)
[2025] KEHC 1422 (KLR) (Judicial Review) (21 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1422 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION 164 OF 2017
JM CHIGITI, J
FEBRUARY 21, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

DIRECTOR OF PUBLIC PROSECUTION 1ST RESPONDENT

THE CHIEF MAGISTRATE COURT AT MAKADARA 2ND RESPONDENT

KENYA REVENUE AUTHORITY 3RD RESPONDENT

AND

PURITY WANGUI KURIA EXPARTE APPLICANT

RULING

1. The application before this Court is the Chamber Summons dated 3rd February, 2025. The application is brought under Order 9 Rule 13 [Civil Procedure Rules 2010](#), and all other enabling provisions of the law. It seeks the following orders:
 1. That the firm of MKN & Co. Advocates be granted leave to cease acting for the Exparte applicant, Purity Wangui Kuria.
 2. That consequent to granting of prayer (1) above, the firm of MKN & Co. Advocates be discharged from record.
 3. That cost of the Application be provided.



2. The application is supported by a Supporting Affidavit of one Charles Njenga sworn on 3rd February, 2025.
3. The firm of MKN & Co. Advocates was instructed to act for the Exparte applicant on 19th March, 2019.
4. The Applicant depones that the firm reached out to the ex-parte applicant seeking further sufficient instructions in order to continue carrying out her instructions with the required attention and professionalism, but the ex-parte applicant has not responded.
5. On the premises the firm of MKN & Co. Advocates no longer has instructions from the ex-parte applicant to remain on record and continue acting for her.
6. The Applicant further depones that is in the interest of justice that the firm of MKN & Co. Advocates be discharged from these proceedings.
7. I have noted since their notice of appointment dated 29th January, 2021, the only other activity has been service of a mention date before this court on 14th February, 2022.
8. In the Supreme Court case *Petition (Application) No. E033 of 2023*, (Being an application by M/s Mbugua Ng'ang'a & Co. Advocates to cease acting for the 2nd respondent) where Justice S. C. Wanjala stated: -

“I opine that, a court of law cannot compel counsel to continue acting for a party, who has lost touch or interest in the matter for whatever reason.”

9. Though Article 48 of the *Constitution* seeks to promote the right to access to justice, the same must be read alongside their ability to represent a client and counsel cannot be forced to represent a client where the client has made it impossible to be represented.
10. Given the uncontested position herein, I find merit in the application.

Order:

1. The firm of MKN & Co. Advocates is hereby granted leave to cease acting for the ex-parte applicant, Purity Wangui Kuria.
2. The firm of MKN & Co. Advocates be discharged from the record.
3. Costs in the cause.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 21ST DAY OF FEBRUARY, 2025.

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JOHN CHIGITI (SC)
JUDGE

