



**Syephen Wambugu Mwangi t/a Stemer Hardware & Paints v Apex Steel Limited
(Civil Appeal 367 of 2018) [2025] KEHC 8209 (KLR) (Civ) (12 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8209 (KLR)

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

CIVIL

CIVIL APPEAL 367 OF 2018

AC MRIMA, J

JUNE 12, 2025

BETWEEN

**SYEPHEN WAMBUGU MWANGI T/A STEMER HARDWARE &
PAINTS APPELLANT**

AND

APEX STEEL LIMITED RESPONDENT

RULING

1. The application subject of this ruling is a Notice of Motion dated 2nd April 2025 seeking leave of the Court for the firm of Messrs. Gidraph Waweru & Company Advocates to come on record in place of Messrs. Nyandieka & Associates Advocates. The application was supported by an affidavit sworn by the Appellant in person on 2nd April 2025.
2. The application is opposed vide Grounds of opposition dated 12th May 2025 in which the Respondent mainly contends that the application is frivolous, baseless and vexatious and that the proposed change of Advocate at this stage serves no legitimate purpose neither in law nor procedure, that the application is merely calculated to delay the execution of the decree and frustrate the finality of the proceedings, that the grounds disclosed in the application have no bearing with the prayers sought in the application and that it is in the interest of the parties that execution be satisfied without further delay.
3. Having considered the application in light of the fact that it is not opposed to by Messrs. Nyandieka & Associates Advocates, the Appellant ought to be accorded an opportunity to choose an Advocate of choice as is his right under Article 50 of *the Constitution*.
4. The application is, therefore, merited and is hereby allowed with no orders as to costs.
Orders accordingly.



DELIVERED, DATED AND SIGNED AT NAIROBI THIS 12TH DAY OF JUNE, 2025.

A. C. MRIMA

JUDGE

Ruling virtually delivered in the presence of:

Mr. Masobera, Learned Counsel for the Appellant.

Amina/Abdirazak – Court Assistants.

