



**Shikutwa & 3 others v Valley Confectionary Limited (Cause E200, E201, E202 & E203 of 2021 (Consolidated)) [2024] KEMC 148 (KLR) (30 May 2024) (Ruling)**

Neutral citation: [2024] KEMC 148 (KLR)

**REPUBLIC OF KENYA  
IN THE NAKURU LAW COURTS  
CAUSE E200, E201, E202 & E203 OF 2021 (CONSOLIDATED)  
PA NDEGE, SPM  
MAY 30, 2024**

**BETWEEN**

**JOSPAT MOLEMU SHIKUTWA ..... 1<sup>ST</sup> CLAIMANT  
SOSPETER IHZUBERI ABWONNJ ..... 2<sup>ND</sup> CLAIMANT  
EVANS MOGAKA NYANTIKA ..... 3<sup>RD</sup> CLAIMANT  
NELDON KUYALI SHIKONYELA ..... 4<sup>TH</sup> CLAIMANT**

**AND**

**VALLEY CONFECTIONARY LIMITED ..... RESPONDENT**

**RULING**

1. On 04/04/2023, these causes were consolidated by consent of all the parties herein, Ms. Juma, appearing for the claimants, Josphat Molemu Shikutwa, Sospeter Ihzuberi Abwonj, Evans Mogaka Nyanyika and Nelson Kuyali Shikonyela, while Ms. Deye appearing for the respondent, Valley Confectionary Limited. The lead file for purposes of proceedings is the one herein, being for the 1<sup>st</sup> Claimant, Josphat Molemu Shikutwa.
2. During the hearing of the case, Ms. Wairimu Gathii participated as acting for the Claimants. She also participated in preparing the written submissions dated 19/02/2024 and filed on 20/02/2024. However, on 21/11/2023, the records herein indicate that a Notice of Change of Advocates was filed by the 1<sup>st</sup> Claimant herein, reverting his representation to M/S Korongo & Co. Advocates, in place of Wairimu Gathii & Co. Advocates. This Notice was accompanied by an affidavit of complaints against the conduct of M/S Wairimu Gathii & Co. Advocates, insisting that he did not appoint them to act for him in this matter.
3. Noting that the submissions that this court is to rely on in preparing the judgment in this consolidated cause were prepared and filed by M/S Wairimu Gathii & Co Advocates, and also noting that the same



firm of advocates conducted the hearing herein on behalf of the Claimants, I do feel that I put on hold the judgment herein till the issues of representation is resolved herein. I do believe that it will not be in the best interest of the claimant and the parties herein to proceed and act on the proceedings conducted, and written submissions filed, on their behalf, by an advocate whom they allege had no instructions to represent them in the first place.

4. In the circumstances, the judgment that was to be delivered today is hereby put on hold till the issue of instructions and representations are resolved.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT NAKURU THIS 30<sup>TH</sup>, DAY OF MAY, 2024**

**ALOYCE-PETER-NDEGE**

**SENIOR PRINCIPAL MAGISTRATE**

In the presence of;

Claimant's counsel: n/a

Respondent's counsel: Achieng

Wairimu Gathii advocate: n/a

1<sup>st</sup> Claimant: n/a

2<sup>nd</sup> Claimant: n/a

3<sup>rd</sup> Claimant: n/a

4<sup>th</sup> Claimant: n/a

