



**Azhar s/o Mohamed Akram v Singh & 4 others (Civil Application
23 of 2019) [2025] KECA 1763 (KLR) (24 October 2025) (Ruling)**

Neutral citation: [2025] KECA 1763 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPLICATION 23 OF 2019
F SICHALE, JA
OCTOBER 24, 2025**

BETWEEN

MOHAMMED AZHAR S/O MOHAMED AKRAM APPELLANT

AND

HARDEV KALSI SINGH 1ST RESPONDENT

THE ESTATE OF ILAM DIN S/O ILAM DIM (DECEASED) ... 2ND RESPONDENT

**THE ESTATE OF MOHAMMED ASLAM S/O ILAM DIN
(DECEASED) 3RD RESPONDENT**

ASGIRI D/O ILAM DIN 4TH RESPONDENT

MOHAMMED AKHTAR 5TH RESPONDENT

(Being an Application for Leave to cease from acting for the 1st Respondent)

RULING

1. Before me is the motion on notice dated 21st May 2025, brought pursuant to the provisions of Rules 1(2) & 23 (2) of the Court of Appeal Rules 2022 and all other enabling provisions of the Law in which LJA Associates LLP (“the applicant herein”) has sought the following orders:
 - “i. That there be a stay of proceedings in this matter pending hearing and determination of this application.
 - ii. That the law firm of LJA Associates LLP, being the advocates on record for the 1st respondent herein, be granted leave to cease acting for the 1st respondent.
 - iii. That upon grant of prayer No. 2 above, the firm of LJA Associates be henceforth deemed to have ceased acting for the 1st respondent.



- iv. That costs of this application be provided for.”
2. The motion is supported on the grounds on the face of the motion and an affidavit sworn by Donpolt Orwenyo Zakayo, an Associate Advocate at the firm of the applicant who have the conduct of this matter on behalf of the 1st respondent who deposed inter alia that the 1st respondent had failed to give them further instructions despite several correspondences.
 3. That, in the absence of further instructions, they cannot continue representing the 1st respondent, attend to court matters and prepare any pleadings/documents that are required for the conduct of this matter and that in the circumstances, it was only just and fair that the instant motion be allowed.
 4. There was no response on part of the 1st respondent despite having been served with a copy of the motion and hearing notice on 22nd May and 30th September 2025, respectively via email.
 5. It was submitted by the applicant that the instant motion herein had been presented after their client (1st respondent herein), became evasive and avoided communication with them owing to outstanding legal fees owed to them in the sum of Kshs 2,915,067/= and that after the instant appeal was reinstated having previously been dismissed, he had refrained and/or declined to communicate with them, making it impossible for them to continue representing him.
 6. I have carefully considered the motion, the grounds thereof, the supporting affidavit, the applicant’s submissions, the cited authorities and the law.
 7. In addition, I have looked at the various correspondences annexed to the motion where the applicant has written several letters to the 1st respondent seeking further instruction in the matter, which correspondences have not elicited any response from the 1st respondent.
 8. Ultimately therefore and from the circumstances of this case, I am satisfied that the applicant has made out a sufficient case to cease acting for the 1st respondent and accordingly, I find the application to cease from acting to be merited.
 9. Regarding the prayer for stay of proceedings, this Court sitting as a Single Judge does not have the jurisdiction to issue the same and I will therefore make no comment regarding the same.
 10. Accordingly, the applicant’s motion dated 21st May 2025, is merited and the same is hereby allowed in terms of prayers 2 and 3 only, with no orders as to costs as it appears the relationship between the two parties has broken down and I do not wish to antagonize the parties further by making an order as to costs.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 24TH DAY OF OCTOBER, 2025.

F. SICHALE

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR

