



**Kimani v Kungu (Civil Appeal (Application) E140 of 2022)  
[2025] KECA 2018 (KLR) (28 November 2025) (Ruling)**

Neutral citation: [2025] KECA 2018 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPEAL (APPLICATION) E140 OF 2022  
M NGUGI, JA  
NOVEMBER 28, 2025**

**BETWEEN**

**PETER MUNYUA KIMANI ..... APPLICANT**

**AND**

**SERAH WANJIRU KUNGU ..... RESPONDENT**

*(Being an application to cease acting)*

**RULING**

1. In the application dated 11<sup>th</sup> August 2025, the firm of Wokabi Mathenge & Co. Advocates (the applicant) which filed the appeal on behalf of the appellant, seeks leave to cease acting for the appellant. The application is brought under Order 9 rule 9 of the Civil Procedure Rules 2010 (CPR), Rule 23(2) of this Court's Rules 2022 and sections 3A and 3B of the *Appellate Jurisdiction Act*. The application is supported by an affidavit sworn by Daniel Wokabi Mathenge on 11<sup>th</sup> August 2025. He avers that the appellant withdrew instructions from his firm, and he no longer receives instructions from him. The application is not opposed.
2. I note that prior to the application to cease acting, a Notice of Change of Advocates dated 9<sup>th</sup> September 2024 had been filed, indicating that the appellant had appointed the firm of Maina Ngaruiya & Co. Advocates to act for him in place of the firm of Wokabi, Mathenge & Co. Advocates. Filed with the Notice of Change of Advocates is a consent dated 9<sup>th</sup> September 2024 in which the two firms agree that the firm of Maina Ngaruiya & Co Advocates can come on record in place of the firm of Wokabi Mathenge & Co Advocates.
3. As there is clear intent on the part of the appellant and his erstwhile counsel to part company, the two firms of advocates having filed a consent to indicate the change, it is not clear why the application dated 11<sup>th</sup> August 2025, which is clearly superfluous in the circumstances, was filed. For what it's worth, the application is nonetheless allowed, with no order as to costs.



**DATED AND DELIVERED AT NAIROBI THIS 28<sup>TH</sup> DAY OF NOVEMBER, 2025**

**MUMBI NGUGI**

.....

**JUDGE OF APPEAL**

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

Signed

**DEPUTY REGISTRAR.**

