

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT OF KENYA
AT KAPSABET
ELCLC CASE NO. E013 OF 2023

JOEL KIPKOSGEI MALEL.....
PLAINTIFF

-VERSUS-

EMILY
CHEPKIRONG.....DEFE
NDANT

RULING

1) This ruling is in respect of an application by way of a Notice of Motion dated 14th November 2025 by Cherono Jepkosgey & Company Advocates for the defendant for the following orders;

a) That the firm of Cherono Chepkosgey & Company Advocates be allowed to cease acting for the defendant herein.

b) That costs of the application be provided for.

2) The application is premised upon the Applicant's affidavit of seven paragraphs of even date and the grounds, inter

alia; that learned Counsel for the Defendant are no longer receiving instructions from the Defendant concerning this matter and it is not possible to proceed with the matter without instructions to that effect from the Defendant.

3) Ms. E Koech learned Counsel for the Applicant has informed the Court that upon discussion with her client/the Defendant duly served with the application, she has received full instructions to proceed acting for her in this suit. Thus, she has implored the Court to mark the application as withdrawn and fix the suit for further hearing.

4) Mr V. Kiprono learned counsel for the Plaintiff has requested that in that regard, further hearing of the suit be set on a Monday of any month.

5) In the foregone, I subscribe to the decision in the case of **Kim Jong Kyu-vs-Housing Finance Company Limited & 2 others (2015) eKLR**, where the Court of Appeal observed thus;

‘....the client places his or her confidence , faith, reliance and trust in the advocate, whose aid,

advice, opinion and protection is sought from time to time.....'

6) Clearly, learned counsel for the Defendant is emphatic that the Defendant has given her full instructions in this suit in line with the aforesaid observation. She is therefore, at liberty to withdraw the application having given reasons thereof as noted by the Supreme Court of the Republic of Kenya in the case of **Council of Governors-vs-Senate & another (2014) eKLR.**

7) Accordingly, the application is hereby marked as withdrawn with no orders as to costs.

8) It is so ordered.

DATED and DELIVERED at KAPSABET this 24th day of NOVEMBER 2025

HON. G. M. A ONGONDO

JUDGE

In the presence of;-

1. Mr V Kiprono learned Counsel for the Plaintiffs
2. Ms E Koech Learned Counsel for the Defendant

3. Walter, Court Assistant