



**Imbayi v Tangaza University College (Cause 130 of 2019)  
[2025] KEELRC 3672 (KLR) (17 December 2025) (Ruling)**

Neutral citation: [2025] KEELRC 3672 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI  
CAUSE 130 OF 2019  
ON MAKAU, J  
DECEMBER 17, 2025**

**BETWEEN**

**GEOFFREY IMBAYI ..... CLAIMANT**

**AND**

**TANGAZA UNIVERSITY COLLEGE ..... RESPONDENT**

**RULING**

**Introduction**

1. This Ruling relates to the Claimant's Notice of Motion dated 13<sup>th</sup> October 2025 seeking for the following orders:-
  - a. That this matter be certified urgent in the first instance.
  - b. That the firm of Karanja Muriithi & Co. Advocates LLP be granted leave to come on record for the Claimant, Geoffrey Imbayi, in place of the firm of Khaminwa & Khaminwa Advocates, after judgment.
  - c. That the Notice of Change of Advocates filed herein be deemed as duly filed and properly on record.
  - d. That cost of this Application be in the cause.
2. The Motion was supported by Affidavit sworn by the Claimant on the same date and it is opposed by his counsel on record vide Grounds of Opposition dated 5<sup>th</sup> November 2025, when the matter came up for hearing on 9<sup>th</sup> December 2025 the counsel asked me to render a ruling on the Motion.
3. The Claimants contended that he intends to execute his judgment and sought leave to change advocate. The counsel on record averred that no compelling reason has been given to justify the change of



Advocates after judgment was delivered on 25<sup>th</sup> September 2025. He contended that he conducted the suit with diligence and he is entitled to his costs.

4. I have carefully considered the arguments by both the Claimant and his counsel and the following issues arose for determination:-
  - a. Whether there is a compelling reason for change of advocate after judgment.
  - b. Whether the Advocate is entitled to his costs.

#### **Compelling reason**

5. The Claimant did not cite any reason for the intended change of Advocate. He stated that he intends to execute the judgment. There is no evidence that the Advocate has refused/neglected to execute the judgment. The judgment was delivered on 25<sup>th</sup> September 2025 and Claimant brought this Motion less than one month after the judgment. Costs are yet to be determined and therefore it is premature to execute the decree.
6. I sincerely see no compelling reason shown for the change of Advocates. However, since *the constitution* grants every person a right to be represented in court by an Advocate of his/her choice I respect that right and grant the leave to change Advocate at this stage.

#### **Advocate's fees**

7. There is no doubt that a party who instructs a counsel must pay his legal fees. The Advocate has not indicated what amount of fees is unpaid. I believe the best course to take is to file Advocate – Client Bill of Costs for determination by relevant officer or be agreed between the parties. In the meanwhile the decretal sum shall be deposited in Court pending the determination or agreement on the Advocates fees.

**DATED, SIGNED AND DELIVERED VIRTUALLY IN OPEN COURT AT NAIROBI THIS 17<sup>TH</sup> DAY OF DECEMBER, 2025.**

**ONESMUS MAKAU**

**JUDGE**

Appearance:

Dr. Khaminwa SC for the Claimant

Muriithi for the Applicant

Ndegwa for the Respondent

