

**IN THE COURT OF  
APPEAL AT NAIROBI  
(CORAM: MUMBI NGUGI, JA (IN  
CHAMBERS) CIVIL APPLICATION NO.  
E583 OF 2022**

**BETWEEN  
HALKANO MOLU.....APPELLANT  
AND  
KENYA BROADCASTING CORPORATION .....1<sup>ST</sup>  
RESPONDENT KIBATIA & COMPANY ADVOCATES LLP  
.....2<sup>ND</sup> RESPONDENT**

*(Being an application to cease acting*

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**RULING**

1. In the application dated 18<sup>th</sup> November, 2022, the firm of **Kibatia & Company Advocates LLP** seeks leave to cease acting for the **respondent, Kenya Broadcasting Corporation (KBC)**, in Civil Appeal No. E583 of 2022. The application is brought under rule 23(2) of the Court of Appeal Rules, 2022. It is supported by the affidavit of Karuga Maina, a partner in the applicant firm.
2. The applicant avers that it has been representing the respondent in this appeal; but that the respondent thereafter ceased to give any instructions on how to proceed. It is deposed further that despite repeated requests by telephone, email and letter, the respondent

has not provided any further

instructions. Further, that it has ceased to facilitate the advocate, despite requests to do so. In the circumstances, the applicant firm considers continued representation untenable, noting that the advocate-client relationship has broken down.

3. The applicant has also filed an Affidavit of Service sworn by Vincent Mambiya Sabatia on 1<sup>st</sup> December 2025, confirming that the application was served on the respondent. It has also filed submissions dated 4<sup>th</sup> December 2025 in support of its application.
4. There is no response to the application.
5. Rule 23(2) of the Court of Appeal Rules, 2022, under which this application is brought, states as follows;

***“(2) An advocate who desires to cease acting for a party in a civil appeal or application, may apply by notice of motion before a single Judge***

***for leave to so cease acting, and such advocate shall be deemed to have ceased to act for such party upon service on the party of a certified copy of the order of the judge.”***

6. In **Kenya Tea Development Agency & another v Samuel**

**W'njuguna & 1153 others** [2021] KECA 643 (KLR), in  
considering rule 23 (2), this Court stated:

***“The Rule is permissive. All that an advocate needs to do under the above rule to earn the Court’s intervention is for such an advocate to express the desire to cease acting which the applicant has expressed herein.”***

7. Having considered the application, the affidavit in support and the written submissions, I find that the applicant firm has met the requirements of the rule, and its application dated 18<sup>th</sup> November 2022 is accordingly allowed as prayed.
8. There shall be no order as to costs.

**Dated and delivered at Nairobi this 19<sup>th</sup> day of December, 2025**

**MUMBI NGUGI**

.....  
**JUDGE OF APPEAL**

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

*Signed*

**DEPUTY REGISTRAR.**