



**Akute v Ngigi & 2 others (Civil Appeal (Application) E522 of 2023)
[2026] KECA 365 (KLR) (27 February 2026) (Ruling)**

Neutral citation: [2026] KECA 365 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) E522 OF 2023
P NYAMWEYA, JA
FEBRUARY 27, 2026**

BETWEEN

SAMSON TEELA AKUTE APPELLANT

AND

KENNETH J KAMAU NGIGI 1ST RESPONDENT

TWYFORD CERAMICS COMPANY LIMITED 2ND RESPONDENT

**ATTORNEY GENERAL (FOR AND ON BEHALF OF AND AGENT FOR
THE GOVERNMENT OF REPUBLIC; MINISTRY OF LANDS PUBLIC
WORKS HOUSING AND URBAN DEVELOPMENT/NATIONAL HOUSING
COMMISSION) 3RD RESPONDENT**

(An application by the Appellant's Advocates to cease acting in respect of the appeal against the Judgment and decree of the Environment and Land Court at Kajiado (M. N. Gicheru J.) delivered on 27th April 2023 in Kajiado ELC Suit No. 197 of 2017)

RULING

1. The firm of Munikah & Company Advocates (hereinafter “the Applicant”), has filed an application in this Court by way of a Notice of Motion dated 11th November 2024, in which it seeks leave for the said firm as well Samson Masaba Munikah to cease acting for the appellant in NAI Civil Appeal 522 of 2023. The application is supported by an affidavit sworn on even date by Samson Masaba Munikah, the advocate seized of the appeal. He avers that the Applicant has not received adequate instructions from the appellant. Further, that the appellant has failed omitted and or neglected to respond to correspondences, take telephone calls and render financial support to costs of the appeal. The Applicant is therefore unable to continue prosecuting the appeal on behalf of the appellant.
2. An affidavit of service sworn by Archibald Wekesa Nyakuri on 2nd December 2024 was also filed by the Applicant, and attests that the appellant was served with the application to cease acting. I also note that



after the Applicant filed the application to cease acting, a Notice of Change of Advocates dated 23rd July 2025 was filed in this appeal, indicating that the appellant had appointed the firm of K. Michuki Law Advocates to act for him in place of the firm of Munikah & Company Advocates. Lastly, the application is not opposed by the appellant. It is thus evident that there is clear intent on the part of the appellant and his erstwhile counsel to part company.

3. I heard the application in chambers in the absence of the parties on 16th February 2026, and have considered the reasons put forth by the Applicant. Rule 23 (2) of this Court's Rules provides as follows in this regard:

“An advocate who desires to cease acting for any 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.”

The requirements to be met under this Rule were explained by Nambuye JA as follows in the case of Kenya Tea Agency & Another vs. Samuel W'njuguna & 115 Others [2021] eKLR:

“The Rule is permissive. All that an advocate needs to do under the above Rule to earn the courts intervention is for such an advocate to express the desire to cease acting and then cause the desire to cease acting to be brought to the attention of his client.”

4. The applicant has placed before the Court evidence of service of the application on the appellant and has therefore complied with the requirements of this rule. It is thus my finding that the application dated 11th November 2024 is merited, and the firm of Munikah & Company Advocates as well as Samson Masaba Munikah are hereby granted leave to cease acting for the appellant in this appeal. There shall be no order as regards the costs of the application.
5. Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 27TH DAY OF FEBRUARY, 2026.

P. NYAMWEYA

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JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR .

