

**IN THE COURT OF
APPEAL AT NAKURU**

(CORAM: MATIVO, JA (IN CHAMBERS))

CIVIL APPLICATION NO. NAK E139 OF

2025 BETWEEN

MIRUGI KARIUKI & CO. ADVOCATES.....APPLICANT

AND

RUTH MARY WANGUI.....RESPONDENT

(Being an application for orders to cease acting for the respondent in the appeal serialized as Nakuru COACA No. E016 of 2021

RULING

1. By an application dated 15th December 2025 brought under Rule 23 (2) of the Court of Appeal, Rules 2022, and all other enabling provisions of the law, M/s Mirugi Kariuki & Co. Advocates pray for leave to cease acting for the respondent herein. The motion is supported by grounds on its body and a supporting affidavit sworn on 15th December 2025 by Lawrence Kahinga Watindi, Advocate.
2. The main grounds in support of the application are that since granting the initial instructions to the applicants, the respondent has failed or neglected to furnish the applicant with further instructions necessary to prosecute the appeal despite written and verbal instructions demonstrating lack of interest

in prosecuting

the appeal or absence of cooperation necessitating this application. The applicant also filed submissions in support of the application citing decisions of this Court in which it has been held *inter alia* that for an application of this nature, it is never contemplated that it will be opposed. I have read the said decisions.

3. The respondent has not filed a reply to the application or submissions, therefore, the application is unopposed.
4. Rule 23(2) of the Court of Appeal, Rules 2022 requires an advocate who desires to cease acting for any party in a civil appeal or application, to apply by notice of motion before a single Judge for leave to 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.
5. Generally, a court will allow an advocate's application to cease acting for a client when the advocate-client relationship has broken down to the point where continued representation is impractical, unethical or amounts to forced servitude or where the client has failed to provide necessary instructions, is persistently uncooperative, or acts in a manner that makes representation unreasonably difficult or where the client has

stopped communicating with the advocate, leaving them unable to proceed with the case. The Court's primary concern is to ensure the administration of justice is not prejudiced while acknowledging that an advocate cannot be compelled to act against their will.

6. I find that this application is for allowing. Accordingly, I allow the application and order that:

- a. The firm of Mirugi Kariuki & company advocates be and is hereby granted leave to cease acting for the respondent (the appellant in Nakuru COACA No. E016 of 2021, Ruth Mary Wangui vs Peter David Kaime & 2 others,**
- b. No orders as to costs.**

Dated and delivered at Nakuru this 17th day of March, 2026.

J. MATIVO

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

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

Signed.

DEPUTY REGISTRAR.