

IN THE COURT OF APPEAL

AT NYERI

(CORAM: KATWA KIGEN, J.A. (IN CHAMBERS))

CIVIL APPEAL (APPLICATION) NO. E081 OF 2023

BETWEEN

SICILY NYAMBURA.....1ST

APPLICANT ANN WANJIRU MACHARIA.....

2ND APPLICANT ESTHER NYANDORO

GICHUKI.....3RD APPLICANT AND

VERONICA WANGARI KARINGI.....RESPONDENT

*(Being an application to strike out the Notice of Appeal dated 20th July, 2023 and lodged in Superior Court on 24.7.2023 seeking to appeal against the ruling and order of **J.M. Mutungi,J** delivered on 18.7.2023*

in

ELC CASE No E023 OF 2023

RULING

1. This is an application dated 29th January, 2024 under **Rule 23 (2), Court of Appeal Rules** by which Ms Magee Law LLP seeks leave to cease acting.

2. The rule allows an advocate to apply to cease acting and the cessation is effective upon the said advocate serving the order (granting leave to cease acting) upon the affected party.
3. Grounds upon which application is made are that the instructing client has not issued “proper” instructions, has not paid for legal services, and that continued presence on record by the advocate will impede the expeditious hearing and disposal of the suit.
4. There are on the file 4 affidavits of service and one hearing notice. In the situation I am persuaded service of the notice of this application for withdrawal has been effected on the hitherto instructing client.
5. There is no response to the said application to cease acting.
6. In the situation I allow the application. I grant leave to Ms. Magee Law LLP to cease acting on condition, as prescribed by **Rule 23(2)**, that the advocate shall serve and will take responsibility for so serving on their erstwhile client, this order, of the advocate’s ceasing to act.
7. I make no orders as to costs.

Dated and delivered at Nyeri this 27th day of March, 2026

KATWA KIGEN

.....

**. JUDGE OF
APPEAL**

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

DEPUTY REGISTRAR