



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 18 OF 2019

FORMERLY MARIMANTI ELC 48 OF 2017

FORMERLY CHUKA ELC 191 OF 2017

DALCO TRADING CENTRE.....APPLICANT/PLAINTIFF

VERSUS

KAMAITA IMATHIU.....1ST RESPONDENT/DEFENDANT

LAWRENCE N. MUGAMBI.....2ND RESPONDENT/DEFENDANT

MOHAMED HASHIN JAMAH.....3RD RESPONDENT/DEFENDANT

LAND REGISTRAR, THARAKA NITHI COUNTY.....4TH RESPONDENT/DEFENDANT

RULING

1. This application is dated **10th December, 2019** and states that it has been brought to court under Section 3A of the Civil Procedure Act (CAP 21 Laws of Kenya), Order 9 Rule 13 of the Civil Procedure Rules, 2010) and all other enabling provisions of the law. The application seeks orders:-

1. That the firm of M/S Kiogora Ariithi & Associates Advocates be allowed to cease acting for the 3rd defendant in this suit.
2. That the costs of this application be provided for.

2. The application has the following grounds:

- a) That the 3rd defendant has ceased cooperating with his advocates in this suit.
- b) That the 3rd defendant has failed to furnish his advocate with instructions hence the advocate is unable to continue acting in the matter.

3. The application is supported by the affidavit of Julius Kiogora Ariithi sworn on **10th December, 2019** which states:-

I, JULIUS KIOGORA ARIITHI of P. O. Box 3279-60200, Meru in the Republic of Kenya do hereby make oath and state as follows:-

1. That I am an advocate of the High Court of Kenya practicing as such in the name and style of Kiogora Ariithi & Associates Advocates hence I am competent to make and swear this affidavit.
2. That I have been conducting this suit on behalf of the 3rd defendant in this matter.
3. That the 3rd defendant has ceased cooperating with me in this suit and has failed to heed my professional advise.
4. That due to lack of cooperation from the 3rd defendant's I am unable to proceed with this suit hence my application to be allowed

to cease acting for the 3rd defendant.

5. That what I have deponed to hereinabove is true to the best of my knowledge, information and belief.

4. On **16th December, 2019**, M/S Nyambura Kithaka told the court that Mr. Kiogora Ariithi had decided to withdraw the application and continue representing the 3rd defendant.

5. In the circumstances, this application is marked withdrawn with no order as to costs.

6. Orders accordingly.

Delivered in open Court at Chuka this 16th day of December, 2019 in the presence of:

CA: Ndegwa

Siagi for the Plaintiff

M/s Kithaka for the 3rd defendant

Kiongo for the 4th defendant

P. M. NJOROGE,

JUDGE.