



**Moses Kasane Lenolkulal t/a Oryx Service Station v Ethics & Anti - Corruption Commission
(Civil Appeal (Application) E431 of 2024) [2025] KECA 883 (KLR) (23 May 2025) (Ruling)**

Neutral citation: [2025] KECA 883 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) E431 OF 2024**

LA ACHODE, JA

MAY 23, 2025

BETWEEN

MOSES KASANE LENOLKULAL T/A ORYX SERVICE STATION . APPELLANT

AND

ETHICS & ANTI - CORRUPTION COMMISSION RESPONDENT

*(Appeal from the judgment of the High Court, Anti-Corruption and Economic Crimes
Division at Nairobi (E.N. Maina J.) dated 20th March 2024 in Civil Suit No. 21 of 2019)*

RULING

1. The firm of V.A Nyamodi & Co. Advocates filed a notice of motion dated 14th February, 2025 seeking to be allowed to cease from acting for the appellant.
2. The application is premised on the grounds on its face, and the supporting affidavit sworn by Patrick Barasa on even date. The grounds are that the firm no longer has instructions to continue representing the appellant in this matter. As such, it is deposed that it is just and fair that the firm of V/A Nyamodi & Co. Advocates is allowed to cease acting for the appellant, to enable him to pursue his case as he deems fit. It is stated that no party will be prejudiced should the application be allowed.
3. An affidavit of service sworn on 18th February, 2025 by Juma Ogendi, evinces that the appellant and the respondent were served with the application to cease acting on 14th February 2025.
4. The Registrar of this Court served the parties with a hearing notice through email on 30th April 2025, informing them that the application will be heard by way of written submissions. None of the parties have filed written submissions. The application is therefore not opposed.
5. Under rule 23(2) of the Court of Appeal Rules 2022, 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 the party, upon service on the party of a certified copy of the order of the Judge.

6. Upon considering the application dated 14th February 2025, I find that it has merit and is hereby allowed. Accordingly, I order that:
- i. The firm of V/A Nyamodi & Co. Advocates is hereby granted leave to cease acting for the appellant,
 - ii. The firm of V/A Nyamodi & Co. Advocates shall serve upon the appellant, a certified copy of this order.
 - iii. There shall be no orders as to costs.

It is so ordered.

DATED AND DELIVERED AT NAIROBI THIS 23RD DAY OF MAY, 2025.

L. ACHODE

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JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR.

