



**Oloo & another v Gitonga (Civil Appeal (Application)
148 of 2018) [2024] KECA 1104 (KLR) (19 August 2024) (Ruling)**

Neutral citation: [2024] KECA 1104 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL (APPLICATION) 148 OF 2018
K M'INOTI, JA
AUGUST 19, 2024**

BETWEEN

JULIUS OCHIENG OLOO 1ST APPELLANT

FLORENCE THIRA OCHIENG 2ND APPELLANT

AND

LILIAN WANJIKU GITONGA RESPONDENT

RULING

1. The motion on notice dated 25th September 2023 is taken out by Messrs. Ongoya and Wambora Advocates, who are on record for both the appellants in Civil Appeal No. 148 of 2018. The said firm of advocates prays for leave to cease acting for the appellants on the basis that they have been unable to get in touch with them for purposes of obtaining instructions.
2. There is no response to the application by the respondent.
3. The application was fixed for hearing before me on 22nd May 2024. However, upon perusing the record, I noticed that on 17th December 2023, the said advocates had a change of mind and filed a notice of withdrawal of their application to cease from acting.
4. The notice of withdrawal of the application is not opposed by the respondent, whose advocates, Messers Njeru Gitonga & Company Advocates were duly served with the hearing notice on 13th May 2024.
5. In the circumstances, I direct that the application dated 25th September 2023 by Messrs. Ongoya & Wambora Advocates to cease acting for the appellants be and is hereby marked as withdrawn under rule 54 of the *Court of Appeal Rules*, with no orders on costs. For the avoidance of doubt, the firm of Messrs. Ongoya & Wambora Advocates shall continue to be on record for the appellants. It is so ordered.



DATED AND DELIVERED AT NAIROBI THIS 19TH DAY OF AUGUST, 2024.

K. M'INOTI

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JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR

