



ABN Amro Bank N.V v Kenya Pipeline Company Limited (Civil Appeal 149 of 2015) [2023] KECA 535 (KLR) (12 May 2023) (Ruling)

Neutral citation: [2023] KECA 535 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL 149 OF 2015
KI LAIBUTA, JA
MAY 12, 2023**

BETWEEN

ABN AMRO BANK N.V APPELLANT

AND

KENYA PIPELINE COMPANY LIMITED RESPONDENT

(Being an application by the firm of Daly & Inamdar Advocates seeking leave to cease acting for the Appellant in Civil Appeal No. 149 of 2015)

RULING

1. By a Notice of Motion dated December 5, 2019 and made under rule 23(2) of the [Court of Appeal Rules](#), counsel for the Appellant, M/s Daly & Inamdar Advocates, seek leave to cease acting for the Appellant. Their application is supported by the affidavit of Grace Kinyanjui sworn on December 5, 2019. The Motion is made on the ground that the firm no longer has instructions from the appellant' to continue representing it in the proceedings herein; that the appellant has failed, neglected and refused to respond to its advocates' correspondence; and that, under the circumstances, it has become impossible for the appellant's advocates' firm to conduct the proceedings herein on its behalf.
2. I have read Ms Grace Kinyanjui's supporting affidavit, the annexed email correspondence of June 23, 2017 and July 22, 2019 (from the firm to one Stephan, an officer of the appellant, updating them on the status of the appeal), whose contents I appreciate. I take to mind the fact that the Motion has been duly served on the appellant as evidenced by the affidavit of service sworn by Grace Kinyanjui on May 4, 2023, and that it is not opposed.
3. I have also considered the applicant's written submissions and the accompanying List of Authorities both of which are dated May 4, 2023. Rule 23(2) of the [Court of Appeal Rules](#) 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 so 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.

4. I am satisfied that the applicant has properly expressed their firm's wish to cease acting for the appellant in accordance with Rule 23(2) (see *KTDA and Another v Samuel Njuguna and 1153 Others* [2021] eKLR). Accordingly, I hereby order and direct that –
- a. Leave be and is hereby granted to the firm of M/s Daly & Inamdar to cease acting for the appellant;
 - b. Learned counsel for the Appellant be deemed as having ceased to act for the Appellant on service upon the Appellant of this order; and
 - c. There be no orders as to costs.

DATED AND DELIVERED AT NAIROBI THIS 12TH DAY OF MAY, 2023.

DR. K. I. LAIBUTA

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JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

