



IN THE COURT OF APPEAL

AT MOMBASA

(CORAM: DR. K. I. LAIBUTA, J.A. (IN CHAMBERS))

CIVIL APPEAL (APPLICATION) NO. 101 OF 2019

BETWEEN

ABDULRAZAK ABDULREHMAN ADAM.....APPELLANT

AND

ASLAM ABDULREHMAN ADAM.....1st RESPONDENT

SHAHIM ABDULREHMAN ADAM.....2nd RESPONDENT

KHATIJBHAI ABDULREHMAN ADAM.....3rd RESPONDENT

SERABANU ABDULREHMAN ADAM.....4th RESPONDENT

(Being an application for leave to cease acting for the Respondents

in

Mombasa Civil Appeal No 101 of 2019)

RULING

By a Notice of Motion dated 18th December 2020 and made under **Rule 23(1) and (2)** of the Court of Appeal Rules, counsel for the Respondents, M/s. Ndegwa Muthama Katsiya and Associates Advocates, seek leave to cease from acting for the Respondents. Their application is supported by the affidavit of Nelson Sitonik sworn on 18th December 2020 and is made on grounds set out on the face of the Motion.

I have read Mr. Sitonik’s Supporting affidavit and appreciate its contents. 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.

Accordingly, I hereby order and direct that –

- (a) counsel for the Respondents be deemed as having ceased to act for the Respondents on service upon the four Respondents of this order;
- (b) there be no orders as to costs.

DATED AND DELIVERED AT NAIROBI THIS 23RD DAY OF JULY, 2021 DR. K. I. LAIBUTA

.....
JUDGE OF APPEAL

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

DEPUTY REGISTRAR