



**IN THE COURT OF APPEAL**

**AT MOMBASA**

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

**CIVIL APPEAL (APPLICATION) NO. 85 OF 2019**

**BETWEEN**

**MAURICIO MARINO ..... 1ST APPELLANT**

**AMICI MIEI LTD..... 2ND APPELLANT**

**VERSUS**

**DANIEL BERNHARD .....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 1st,2nd and 3rd Respondents in Mombasa Civil Appeal No 101 of 2019)*

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**RULING**

By a Notice of Motion dated 29<sup>th</sup> November 2019 and made under **Rules 2, 42(1) and 43(1)** of the Court of Appeal Rules, counsel for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents, M/s. Chepkwonyand Associates, seek leave to cease from acting for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents. Their application is supported by the affidavit of Jackline Chepkurui Chepkwony sworn on 29<sup>th</sup> November 2019 and is made on grounds set out on the face of the Motion.

I have read Ms. Chepkwony’s supporting affidavit and appreciate its contents. Other than Rules 42 and 43, which relate to form, it is not clear on what grounds Rule 2 is invoked. 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 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents be deemed as having ceased to act for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents on service upon the three Respondents of this order;
- b. there be no orders as to costs.

**DATED AND DELIVERED AT NAIROBI THIS 23<sup>RD</sup> DAY OF JULY, 2021**

**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**