



REPUBLIC OF KENYA



**KENYA LAW**  
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**Oteki v Gathoga & 2 others (Civil Appeal (Application)  
E509 of 2020) [2021] KECA 203 (KLR) (5 November 2021) (Ruling)**

Neutral citation: [2021] KECA 203 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPEAL (APPLICATION) E509 OF 2020  
F SICHALE, JA  
NOVEMBER 5, 2021**

**BETWEEN**

**CHARLES OKINDO OTEKI ..... APPELLANT**

**AND**

**JOSEPH WARARI GATHOGA ..... 1<sup>ST</sup> RESPONDENT**

**ATTORNEY GENERAL ..... 2<sup>ND</sup> RESPONDENT**

**MARTHA WAMAITHA NGUNJIRI (BEING ADMINISTRATOR OF THE  
ESTATE OF JACKSON GITHUA NGUNJIRI) ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. Before me is a motion dated 26<sup>th</sup> May 2021 and brought pursuant to the provisions of Rule 22 (2) of the *Court of Appeal Rules* in which the firm of Kingara & Company Advocates seek to be granted leave to cease acting for the 1<sup>st</sup> respondent- Joseph Warari Gathoga.
2. The application is premised on the grounds that the 1st respondent has been un-cooperative in giving instructions to the said firm of advocates and has not been responding to communication over the matter and that as a result it has been impossible for the said firm of Advocates to continue acting for him.
3. The application is not opposed. As a matter of fact, the 1st respondent has already filed a Notice of Change of Advocates dated 10<sup>th</sup> June 2021, through the firm of Nzavi and Company Advocates.
4. Accordingly, the application dated 26<sup>th</sup> May 2021 is merited and the same is hereby allowed as prayed. The firm of Kingara and Company Advocates is hereby granted leave to cease acting for the 1st respondent.
5. Costs shall be in the cause.



Dated and delivered at Nairobi this 5<sup>th</sup> day of November, 2021.

F. SICHALE

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JUDGE OF APPEAL

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

DEPUTY REGISTRAR

