



IN THE COURT OF APPEAL

AT NAIROBI

CORAM: KARANJA, JA. (IN CHAMBERS)

CIVIL APPEAL (APPLICATION) NO. 327 OF 2017

BETWEEN

NJUGUNA, KAHARI AND KIAI ADVOCATES.....APPLICANT

AND

NAIROBI CITY COUNTY.....RESPONDENT

(An application to cease acting in an appeal from the Judgment and Orders of the High Court of Kenya at Nairobi (E. K. Ogola, J) dated 17th February, 2017

in

HCCC NO. 1180 OF 2001)

RULING

In this Notice of Motion, pronounced to be brought under **Rules 1(2) and 23(2)** of the Court of Appeal Rules, the firm of Njuguna, Kahari and Kiai Advocates seek leave of this Court to cease acting for the appellant, Nairobi City County.

According to the grounds on the face of the application and the depositions in the affidavit of Joseph Waithaka Kahari, a partner in the said firm, serious irreconcilable differences have arisen between the advocates and their client (the appellant). The differences are such that there is now loss of confidence and trust between the advocates and client and their continued relationship has become perilous and unsustainable, hence the application for leave to cease acting.

In spite of service of the application on the appellant on 12th November, 2020, and the respondents on 5th June, 2020, none of them have opposed the application. When differences between counsel and client become irreconcilable, just like in a marriage, the relationship becomes untenable and the chains that bind the two parties must be severed.

Having considered the application before me and the reasons proffered for the applicant’s desire to cease acting for its client, I am satisfied that the leave sought should be allowed. The Notice of Motion dated 13th November, 2020 is hereby allowed and the applicant is granted leave to cease acting for the appellant. Any correspondence or other Court processes in this appeal be served directly on the appellant until another counsel comes on record for it.

Dated and delivered at Nairobi this 18th day of December, 2020.

W. KARANJA

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JUDGE OF APPEAL

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

Signed

DEPUTY REGISTRAR