



Khaoya v Chairman County Public Service Board & 3 others (Employment and Labour Relations Petition E001 of 2020) [2022] KEELRC 13385 (KLR) (2 December 2022) (Ruling)

Neutral citation: [2022] KEELRC 13385 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT BUNGOMA
EMPLOYMENT AND LABOUR RELATIONS PETITION E001 OF 2020**

**JW KELI, J
DECEMBER 2, 2022**

BETWEEN

JOHN WEKESA KHAOYA PETITIONER

AND

**CHAIRMAN COUNTY PUBLIC SERVICE BOARD & 3
OTHERS RESPONDENT**

RULING

1. The applicant, Ibrahim Alubala Advocate, *vide* notice of motion under order 9 rule 9A [Civil Procedure Rules](#) dated October 4, 2022 sought the following reliefs:-
 - a. That leave be granted to the firm of Ibrahim Alubala Advocate to come on record for and on behalf of the respondent/applicants in the place of Annet Mumalasi & Co Advocates.
 - b. That costs of this application be in the cause.
2. The application is supported by the grounds that there is a judgment against the petitioner/respondent in favour of the respondents/applicants.
3. That the respondents/applicants were being represented by the firm of M/s Annet Mumalasi & Co Advocates .
4. That the applicants have since engaged the services of Ibrahim Alubala Advocate. The supporting affidavit of Ibrahim Alubala was to same effect.
5. The respondent/petitioner *vide* replying affidavit dated November 16, 2022 stated that he had no objection for change of advocates.



6. Order 9 rule 9 of the *Civil Procedure Rules* states: “ Where there is a change of advocate, or when a party decides to act in person having previously engaged an advocate, after judgment has passed, such change or intention to act in person shall not be effected without an order of the court-
 - a. Upon application with notice to all the parties,
 - b. Upon consent filed between the outgoing advocate and the proposed incoming advocate or party intending to act in person as the case may be”.
7. During the *inter-partes* hearing the applicant advocate informed the court the outgoing advocate who was a sole practitioner had since been appointed judge.
8. The respondent did not object to the change of advocates. He only asked the court to order he be issued with certificate of delay and proceedings and ruling to enable him appeal.

Determination

9. The court finds that the applicant has satisfied the provisions of order 9 rule 9 of the *Civil Procedure Rules* (*supra*). That the application is not opposed by parties. The application dated October 4, 2022 is allowed with costs to the respondent/petitioner.
10. The petitioner is advised to apply for certificate of delay, certified proceedings, rulings, orders in the normal court process.
11. It is so ordered.

SIGNED, DATED AND DELIVERED IN OPEN COURT AT BUNGOMA THIS 2ND DAY OF DECEMBER 2022.

J. W KELI,

JUDGE.

In the Presence of:-

Court Assistant: Brenda Wesonga

Petitioner:-Absent

Respondent:- Balusi holding brief for Alubala Advocate

