



Torch Africa & 3 others v Wangamati, Governor & 8 others; Mulama & 2 others (Interested Parties) (Petition E001 of 2020) [2022] KEELRC 13379 (KLR) (2 December 2022) (Ruling)

Neutral citation: [2022] KEELRC 13379 (KLR)

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT BUNGOMA
PETITION E001 OF 2020
JW KELI, J
DECEMBER 2, 2022

BETWEEN

TORCH AFRICA 1ST APPLICANT
BARASA KUNDU NYUKURI 2ND APPLICANT
BUKUSU COUNCIL OF ELDERS (BUCOE) - KIMILI SUB
COUNTY 3RD APPLICANT
MARTIN JUMA, BUCOE DIRECTOR OF YOUTH 4TH APPLICANT

AND

WYCLIFFE WAFULA WANGAMATI, GOVERNOR 1ST RESPONDENT
CEMC, LANDS, URBAN, PHYSICAL PLANNING & HOUSING 2ND
RESPONDENT
COUNTY SECRETARY & HEAD OF COUNTY PUBLIC SERVICE, CHIEF
OFFICER LANDS, URBAN 3RD RESPONDENT
PHYSICAL PLANNING AND HOUSING 4TH RESPONDENT
DIRECTOR OF PHYSICAL PLANNING 5TH RESPONDENT
AG, COUNTY ATTORNEY 6TH RESPONDENT
JOHN NDOMBI, MANAGER, KIMILILI MUNICIPAL BOARD 7TH
RESPONDENT
LILIAN NANJALA SIMIYU 8TH RESPONDENT
SALOME NANAJALA BUKANIA 9TH RESPONDENT

AND

JOSEPH OMUKULE MULAMA INTERESTED PARTY



CAROLINE KHASOA INTERESTED PARTY
JOHN MASAFU TENGEYE INTERESTED PARTY

RULING

1. The applicant, Ibrahim Alubala Advocates , *vide* notice of motion under order 9 rule 9A [Civil Procedure Rules](#) dated August 25, 2022 sought the following reliefs:-
 - a. That leave be granted to the firm of Ibrahim Alubala Advocates 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.
5. The applicant filed further affidavit by Ibrahim Alubala Advocates sworn on the November 21, 2022 averring that the proprietor of the outgoing law firm one Annet Mumalasi had since been appointed as a judge of the Environment and Land Court and produced Gazette Notice No 5235 dated June 3, 2021.
6. The application was not opposed.
7. 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”.

Determination

8. The court finds that the applicant has satisfied the provisions of order 9 rule 9 of the [Civil Procedure Rules](#) . That the application is not opposed by parties. The application dated August 25, 2022 is allowed with costs to the respondent/petitioner.
9. 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



Petitioner:- Absent

Respondent:-Balusi holding brief for Alubala Advocate

