



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE NO. 1598 OF 2013

WANDERI NGUNJE

CLAIMANT

v

MADISON INSURANCE CO. KENYA LTD RESPONDENT

RULING

1. The Cause herein was dismissed on 20 July 2015, and an attempt to reinstate it was declined by the Court on 8 December 2015, prompting the filing of a *Notice of Appeal* around 22 December 2015.
2. On 18 July 2018, the firm of Mengich & Co. Advocates (applicant) filed an application seeking orders
 1. THAT the firm of Advocates on record herein Mengich & Co. Advocates acting for the Claimant be granted leave to cease acting for the Claimant.
 2. THAT costs of this application be granted to the applicant.
3. The application is anchored on the ground that the Claimant had in a meeting with the applicant sometime in 2015 expressed a desire to instruct a different firm of advocates, and that since then the applicant had lost contact with the Claimant.
4. The Respondent did not oppose the application.
5. An affidavit of service filed in Court on 5 September 2018 attested to service of the application upon the Claimant through registered post.
6. The Court has considered the application and come to the conclusion that the application should be declined.
7. One, there are no *live or active proceedings* before this Court from which the applicant can validly withdraw. The live proceedings are currently before the Court of Appeal.
8. Two, there has been inordinate delay in presenting the application, which delay has not been explained.
9. Three, it is not clear to which postal address the application was sent to and how the applicant got the address.
10. The service on the Claimant appear unsatisfactory. It would have been prudent for the applicant to seek leave to serve through substituted service.
11. The application is dismissed with no order as to costs.

Delivered, dated and signed in Nairobi on this 7th day of December 2018.

Radido Stephen

Judge

Appearances

For applicant Mengich & Co. Advocates

For Respondent Muthoga Gaturu & Co. Advocates

Court Assistant Lindsey