



Member of Parliament for Mbalambala Constituency v Abdi & 7 others (Petition (Application) 21 (E023) of 2020) [2022] KESC 73 (KLR) (4 November 2022) (Ruling)

Neutral citation: [2022] KESC 73 (KLR)

**REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA
PETITION (APPLICATION) 21 (E023) OF 2020
I LENAOLA, SCJ
NOVEMBER 4, 2022**

BETWEEN

**MEMBER OF PARLIAMENT FOR MBALAMBALA
CONSTITUENCY PETITIONER**

AND

**ABDI AHMED ABDI 1ST RESPONDENT
CABINET SECRETARY FOR INTERIOR AND CO-ORDINATION OF
NATIONAL GOVERNMENT 2ND RESPONDENT
COUNTY COMMISSIONER, GARISSA COUNTY 3RD RESPONDENT
ATTORNEY GENERAL 4TH RESPONDENT
MEMBER OF PARLIAMENT, GARISSA TOWNSHIP CONSTITUENCY 5TH
RESPONDENT
MEMBER OF PARLIAMENT, DADAAB CONSTITUENCY .. 6TH RESPONDENT
GOVERNOR, GARISSA COUNTY 7TH RESPONDENT
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION 8TH
RESPONDENT**

(Being an application by M/s Issa & CO Advocates to cease acting for the 6th Respondent)

RULING

1. UPON considering the Notice of Motion dated 31st January 2022 brought pursuant to Rules 18(6) and (7) of the Supreme Court Rules, 2020, in which counsel for the 6th respondent seeks leave of this court to cease acting for the respondent aforesaid; and



2. UPON reading the supporting affidavit in support of the Motion sworn by Mansour Muathe Issa, Advocate on 31st January 2022 and considering the grounds in support therein, mainly that his client has ceased contact and that despite several reminders the 6th respondent has failed to give him proper instructions and he is, therefore, unable to proceed with the hearing of the Petition on 10th November 2022; and
3. Noting that, although the Motion was served on the 6th respondent and all other parties none has responded to it;
4. I Opine that a party is expected to properly and fully instruct Counsel in order for it to receive the best legal advice. Failure to do so would mean that the matter stalls and the interests of justice would not be served. A court should also not force Counsel to appear for a party that has lost touch for whatever reason.
5. Accordingly, I now make the following Orders:
 - i. The Notice of Motion dated 31st January 2022 be and is hereby allowed and M/S Issa & Co Advocates, are hereby granted leave to cease acting for the 6th Respondent.
 - ii. The 6th Respondent shall pay the costs thereof.
6. Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 4TH DAY OF NOVEMBER 2022

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I. LENAOLA

JUSTICE OF THE SUPREME COURT

I certify that this is a true copy of the original

REGISTRAR,

SUPREME COURT OF KENYA

