



**Tawai Limited v Muhindi & 5 others (Civil Case 22 of 2018)
[2024] KEHC 1789 (KLR) (28 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1789 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITALE
CIVIL CASE 22 OF 2018
AC MRIMA, J
FEBRUARY 28, 2024**

BETWEEN

TAWAI LIMITED PLAINTIFF

AND

NATHAN WANJALA MUHINDI & 5 OTHERS DEFENDANT

RULING

1. This ruling is on which firm of Advocates is the rightful one to represent the Plaintiff herein.
2. There are two firms of Advocates on record each claiming to have been duly appointed to represent the Plaintiff. They are Messrs. Kassim Sifuna & Associates Advocates and Messrs. Karanigrey & Company Advocates.
3. The firms filed Affidavits and written submissions on the issue.
4. This Court has carefully considered the affidavits and the submissions.
5. There is no doubt that the Plaintiff is a Limited Liability company. It has a Board of Directors comprised of 9 Directors one of whom passed on leaving behind 8 of them.
6. It appears that the Plaintiff initially instructed the firm of Messrs. Kassim Sifuna & Associates Advocates to act for it. The instructions were later withdrawn vide a resolution of the Plaintiff passed on 4th August 2023. Subsequently, the Plaintiff formally wrote to the firm of Messrs. Kassim Sifuna & Associates Advocates vide its letter dated 4th August 2023. Both the resolution and the resultant letter were annexed as exhibits in the Affidavit by Mr. Paul Kassim Sifuna, Counsel.
7. On 18th October 2023, the Plaintiff appointed the firm of Messrs. Karanigrey & Company Advocates to appear on its behalf. A resolution to that end was filed in Court. The firm of Messrs. Karanigrey & Company Advocates then filed a Notice of Appointment of Advocates dated 19th October 2023 instead of a Notice of Change of Advocates.



8. The prevailing position is, therefore, that both firms of Advocates are properly on record until one or both are properly relieved of its representation of the Plaintiff.
9. As a result, the following orders do hereby issue: -
 - a. The Plaintiff is hereby granted 14 days within which to regularize the issue of its representation.
 - b. Further directions on way forward on a date to issue today.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 28TH DAY OF FEBRUARY, 2024.

A. C. MRIMA

JUDGE

Mr Karani Counsel for the Plaintiff

Court assistant: Juma

