

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

(Coram: Lenaola, SCJ)

PETITION (APPLICATION) NO. 21 (E023) OF 2020

—BETWEEN—

THE HONOURABLE MEMBER OF PARLIAMENT

FOR MBALAMBALA CONSTITUENCYPETITIONER

—AND—

ABDI AHMED ABDI 1ST RESPONDENT

CABINET SECRETARY FOR INTERIOR AND

CO-ORDINATION OF NATIONAL GOVERNMENT..... 2ND RESPONDENT

COUNTY COMMISSIONER, GARISSA COUNTY.....3RD RESPONDENT

THE HONOURABLE ATTORNEY GENERAL..... 4TH RESPONDENT

MEMBER OF PARLIAMENT, GARISSA

TOWNSHIP CONSTITUENCY..... 5TH RESPONDENT

MEMBER OF PARLIAMENT, DADAAB

CONSTITUENCY..... 6TH RESPONDENT

THE 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**