



Case Number:	Civil Appeal (Application) 85 of 2019
Date Delivered:	23 Jul 2021
Case Class:	Civil
Court:	Court of Appeal at Mombasa
Case Action:	Ruling
Judge:	(Dr) Kibuya Imaana Laibuta
Citation:	Mauricio Marino & another v Daniel Bernhard & 3 others [2021] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Civil
History Magistrates:	-
County:	Mombasa
Docket Number:	-
History Docket Number:	Civil Appeal 101 of 2019
Case Outcome:	Application allowed
History County:	Mombasa
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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IN THE COURT OF APPEAL

AT MOMBASA

(CORAM: DR. K. I. LAIBUTA, J.A. (IN CHAMBERS))

CIVIL APPEAL (APPLICATION) NO. 85 OF 2019

BETWEEN

MAURICIO MARINO 1ST APPELLANT

AMICI MIEI LTD..... 2ND APPELLANT

VERSUS

DANIEL BERNHARD1ST RESPONDENT

SHAHIM ABDULREHMAN ADAM2ND RESPONDENT

KHATIJBHAI ABDULREHMAN ADAM.....3RD RESPONDENT

SERABANU ABDULREHMAN ADAM.....4TH RESPONDENT

(Being an application for leave to cease acting for the 1st, 2nd and 3rd Respondents in Mombasa Civil Appeal No 101 of 2019)

RULING

By a Notice of Motion dated 29th November 2019 and made under **Rules 2, 42(1) and 43(1)** of the Court of Appeal Rules, counsel for the 1st, 2nd and 3rd Respondents, M/s. Chepkwonyand Associates, seek leave to cease from acting for the 1st, 2nd and 3rd Respondents. Their application is supported by the affidavit of Jackline Chepkurui Chepkwony sworn on 29th November 2019 and is made on grounds set out on the face of the Motion.

I have read Ms. Chepkwony's supporting affidavit and appreciate its contents. Other than Rules 42 and 43, which relate to form, it is not clear on what grounds Rule 2 is invoked. Rule 23(2) of the Court of Appeal Rules requires an advocate who desires to cease acting for any party in a civil appeal or application, to apply by Notice of Motion before a single Judge for leave to so cease acting, and such advocate shall be deemed to have ceased to act for such party upon service on the party of a certified copy of the order of the Judge.

Accordingly, I hereby order and direct that –

a. counsel for the 1st, 2nd and 3rd Respondents be deemed as having ceased to act for the 1st, 2nd and 3rd Respondents on service upon the three Respondents of this order;

b. there be no orders as to costs.

DATED AND DELIVERED AT NAIROBI THIS 23RD DAY OF JULY, 2021

DR. K. I. LAIBUTA

.....

JUDGE OF APPEAL

I certify that this is a True copy of the original

Signed

DEPUTY REGISTRAR



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