

NO. 7

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IN THE COURT OF APPEAL
AT NAIROBI

(CORAM: KWACH, AKIWUMI & SHAH J.J.A.)

CIVIL APPEAL NO. 48 OF 1994

BETWEEN

KENYA REINSURANCE CORPORATION.....APPELLANT

AND

V.E. MUGUKU MURIU t/a
M/S V.E. MUGUKU MURIU & COMPANY.....RESPONDENT

(Appeal from the judgment and decree of the High Court
at Nairobi (Mr. Justice J.W. Mwera) given on 16th day
of July, 1991)

in

H.C.C.C. NO. 4060 OF 1987

JUDGMENT OF THE COURT

Although the memorandum of appeal contains nine grounds of appeal, this appeal raises primarily four main points which are

- i. Can a professional undertaking given by an advocate be subject to watering down on account of a dispute between the advocate's client and the party to whom the undertaking is given?
- ii. Does it fall to the advocate to take up, on behalf of his client, defences which could be open to the client in a claim for enforcement of an undertaking?
- iii. If a cheque is sent for redemption of charge which cheque is not accepted, does payment of interest under the charge cease?
- iv. Can a court allow a counter-claim made by the advocate on behalf of his client when the