

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

ELECTION PETITION NO. E001 OF 2021

ORIGINATING FROM

KAKAMEGA ELECTION PETITION NO. 14 OF 2017

SETH AMBUSINI PANYAKO.....PETITIONER/APPLICANT

VERSUS

THE INDEPENDENT ELECTORAL

AND BOUNDARIES COMMISSION.....1ST DEFENDANT/RESPONDENT

THE RETURNING OFFICER

KAKAMEGA COUNTY.....2ND DEFENDANT/RESPONDENT

CLEOPHAS WAKHUNGU MALALAH.....3RD DEFENDANT/RESPONDENT

RULING NO.1

1. I have considered the application under Certificate of Urgency to be heard during the recess. I grant leave to the applicant to be heard during the recess.
2. On the prayer for orders directing the Respondent to surrender his motor vehicle KCQ 490U in the custody of OCS Kakamega Police Station pending hearing and determination of the Petitioner's application dated 24/3/2021, I find the application to be urgent. I certify it as urgent and direct the applicant to serve the Respondent's counsel forthwith for interpartes consideration on 9/4/2021, together with Petitioner's application dated 24/3/2021.
3. On whether I should grant interim orders, having granted stay of impounding of the subject motor vehicle KCQ 490U by Jakacha Auctioneers on 26/3/2021 to grant another order for impounding and placing it in the custody of the police would amount to setting aside the orders of this court made ex parte on 26/3/2021.
4. For the above reasons, I decline to make the orders sought in the interim as framed. I however, order that in the interest of justice, the Petitioner shall not sell or dispose of motor vehicle registration No. KCQ 490U pending hearing and determination of his own application dated 24/3/2021 and the application herein dated 29/3/2021 interpartes.
5. Orders accordingly.

Dated, signed and delivered at Siaya, this 30th Day of March 2021

R.E. ABURILI

JUDGE