



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ELECTION PETITION NO. 14 OF 2017
IN THE MATTER OF THE GUBERNATORIAL
ELECTIONS FOR WAJIR COUNTY
BETWEEN
AHMED ABDULLAHI MOHAMAD.....1ST PETITIONER
AHMED MUHUMUD ABDI.....2ND PETITIONER
AND
HON. MOHAMED ABDI MOHAMED.....1ST RESPONDENT
GICHOHI GATUMA PATRICK.....2ND RESPONDENT
INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION.....3RDRESPONDENT
RULING

Counsel for the first respondent has applied for proceedings and stay.

As regards proceedings and Judgment, the typed proceedings are ready and the certified copy of the Judgment can be collected by 2.00 p.m. today upon payment of the requisite charges.

The IEBC be at liberty to return the ballot boxes that were subjected to scrutiny and recount to Wajir as the Petition has been concluded.

As regards stay, I do not think this court is the proper forum to grant such an order. Having concluded the Petition, it cannot make any further orders. The *Elections Act, 2011* is clear how an automatic stay can be obtained in the Court of Appeal.

Since the unsuccessful parties are at liberty to lodge the said appeal at any time as all they require is ready; I decline to grant any stay and direct that they seek it in the Court of Appeal.

Orders accordingly.

DATED and DELIVERED this 12th day of January, 2018.

A MABEYA

JUDGE

12/1/2018