



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

ELECTION PETITION NUMBER 8 OF 2017

IN THE MATTER OF THE ELECTION ACT, NUMBER 24 OF 2011 LAWS OF KENYA AND THE ELECTION (GENERAL) REGULATIONS, 2012 AND ELECTIONS (PARLIAMENTARY AND COUNTY) PETITION RULES, 2017

AND

IN THE MATTER OF THE ELECTION OFFENCES ACT, 2016

AND

IN THE MATTER OF THE ELECTION OF MEMBER OF THE NATIONAL ASSEMBLY WOMEN REPRESENTATIVE WAJIR COUNTY HELD ON THE 8TH DAY OF AUGUST, 2017

JIMALE MOHAMUD ABDULLAHI..... PETITIONER

VERSUS

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION..... 1ST RESPONDENT

THE COUNTY RETURNING OFFICER..... 2ND RESPONDENT

FATUMA ALI GEDI..... 3RD RESPONDENT

RULING

The Petitioner filed this election petition on 6th September, 2017. At the pre-trial and interlocutory application stage, when all three respondents had been served and were represented in court, the Petitioner's Counsel indicated that he intended to file an application for leave for withdrawal of the petition.

The application to withdraw the election petition was then filed on 2nd November, 2017, giving the reasons for such request for leave to withdraw the election petition.

On the same 2nd November, 2017, the Petitioner's counsel published a Notice in the People Daily Newspaper giving seven (7) days' notice for any interested party to file their papers if they want to take over the petition as Petitioners.

The application was set for hearing on 17th November, 2017. When the application came up today 17th November, 2017, the record showed that no person had filed any document indicating an interest to take over the case in the place of the Petitioner.

The counsel for the Petitioner and both counsel for the three Respondent's addressed me and stated that they have no objection to the request for withdrawal of the petition. All counsel present agreed that parties bear their respective costs.

Consequently, I allow the application and grant leave to the petitioner to withdraw the election Petition herein. The orders of this court are thus as follows: -

- 1. Leave be and is hereby granted to the petitioner to withdraw the election petition.**
- 2. The Election petition herein be and is hereby marked as withdrawn.**
- 3. Each party will bear their respective costs of the proceedings.**

4. The Deposit for costs paid by the Petitioner be released to her advocates on record.

It is so ordered.

Dated, signed and delivered at Nairobi this 17th day of November, 2017.

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GEORGE DULU

JUDGE