



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

JUDICIAL REVIEW APPLICATION No. 3 Of 2017

MARRYANN NYAGA WANJIRU.....APPLICANT

VERSUS

INDEPENDENT ELECTORAL BOUNDARIES COMMISSION....1st RESPONDENT

JUBILEE PARTY.....2nd RESPONDENT

CHRISTOPHER MARK MWANGI.....INTERESTED PARTY

RULING

1. The applicant **MARRYANN NYAGA WANJIRU** by her application dated 4th September, 2017 sought leave to apply for orders of Certiorari to quash the decision of Independent Electoral and Boundaries Commission (**I E B C**) to gazette the list of nominated members of County Assembly of Laikipia.

2. By a notice dated 4th October 2017 the applicant withdrew the whole suit.

3. **I E B C** submitted before court, in the absence of the applicant, that it is entitled to costs.

4. It is an established principle of law that a successful party is entitled to costs. It is also a principle of law that costs follow the event. The court however always retains the discretion to award or not to award such costs.

5. The applicant filed the present action and when confronted with a Preliminary Objection of **I E B C** withdrew the case. Undoubtedly

I E B C which incurred expenses filing the Preliminary Objection and preparing for hearing is in my view entitled to costs. There is no conduct of **I E B C** which would lead this court to find that it is unentitled to costs.

Accordingly I order the applicant to pay the costs of this suit to

I E B C which costs shall be determined through taxation.

Dated and Delivered at Nanyuki this 14th December, 2017

MARY KASANGO

JUDGE

Coram

Before Justice Mary Kasango

Court Assistant: Njue/Mariastella

Applicant

1st Respondent

2nd Respondent

Interested Party

COURT

Ruling delivered in open court

MARY KASANGO

JUDGE