



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Miscellaneous Application 55 of 2013

JACKSON KYALO ITULEAPPLICANT

AND

WILSON MUTUNGA WAMBUA.....1ST RESPONDENT

KENYA NATIONAL CONGRESS.....2ND RESPONDENT

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION.....3RD RESPONDENT

JUDGMENT

1. We heard the Notice of Motion dated 30th January 2013 on 1st February 2013 and dismissed the matter. We now proffer our reasons.
2. The applicant's complaint is that he was denied the right to contest the Ndithini/Mananja Ward in Masinga Constituency on a Kenya National Congress Party on account of the 1st respondent being given a direct ticket. He claims he complied with all party regulations entitling him to contest the seat.
3. The applicant lodged a complaint before the IEBC Tribunal which heard the matter and dismissed it.
4. We are satisfied that the applicant was given a fair hearing at the Tribunal and that the IEBC came to the conclusion it was entitled to. In the circumstances, we find no ground to intervene.

Dated and Delivered at Nairobi this 5th February 2013

D.S. MAJANJA

JUDGE

W. KORIR

JUDGE

G. V. ODUNGA

JUDGE