



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Miscellaneous Application 53 of 2013

MICHAEL

MUNGAIAPPLICANT

AND

FORD KENYA ELECTIONS AND NOMINATIONS BOARD & OTHERS.....1ST
RESPONDENT

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION.....2ND
RESPONDENT

JEFFREY M MALOBAINTERESTED
PARTY

JUDGMENT

1. We heard the Notice of Motion dated 30th January 2013 on 1st February 2013, we made the following order, “*Application dated 30th January 2013 is dismissed with no order as to costs. Reasons to be given on 5th February 2013 at 2.30 pm.*” We now proffer our reasons.

2. The applicant, Michael Mungai, seeks the following orders in the application.

(a) *That the application be certified urgent for disposal in the first instance.*

(b) *The Hon Court order Ford Kenya to issue Michael Munai Mungai with a certificate of nomination to vie for the Embakasi Central Parliamentary seat on a Ford Kenya ticket.*

(c) *The Hon Court order the IEBC and Ford Kenya to replace the name of Mr Jeffrey M Maloba with the name of Michael Munai Mungai in the list of Ford Kenya Nominees.*

(d) *That the Hon Court extend the time for presentation of the nomination documents to grant the applicant against Ford Kenya, interested party and the IEBC be provided for.*

3. In essence, Michael Mungai contends that he is the proper Ford Kenya candidate for Embakasi Central constituency. He alleges irregularities in the party primary on 11th January 2013. The applicant filed a complaint before the IEBC Tribunal and the complaint was dismissed for want of evidence.

4. We have considered the material before us and the proceedings before the IEBC Tribunal and we are satisfied that the tribunal dealt with the matter according to the law. We do not detect any departure

from legal principles hence there is no reason to interfere from the decisions.

Dated and Delivered at Nairobi this 5th February 2013

D.S. MAJANJA

JUDGE

W. KORIR

JUDGE

G. V. ODUNGA

JUDGE