



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Petition 68 of 2013**

**PETER KAMAU NYUTU.....PETITIONER**

**AND**

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION .....1<sup>ST</sup> RESPONDENT**

**THE NATIONAL ALLIANCE PARTY (TNA) .....2<sup>ND</sup> RESPONDENT**

**NJOROGE KAIRU .....3<sup>RD</sup> RESPONDENT**

**JUDGMENT**

The petitioner contends that he was the bona fide nominee of the County Representative Seat, Woodley Ward Kibra Constituency by virtue of the National Alliance Party Nomination Appeal Tribunal decision dated 21<sup>st</sup> January 2013. Unfortunately, the party did not comply with its Appeal Tribunal directive. The petitioner now seeks relief from this court.

I take judicial notice of the fact that the nomination is now complete and the law permits the retuning officer's decision to be challenged. As there is an efficacious alternative remedy, I decline to allow the petition.

**Dated and Delivered at Nairobi this 5<sup>th</sup> February 2013**

**D.S. MAJANJA**

**JUDGE**