

REPUBLIC OF KENYA

High Court at Mombasa

Election Petition 7 of 2013

SAID BUYA HIRIBAE.....PETITIONER

VERSUS

1. HASSAN DUKICHA ABDI.....1ST RESPONDENT

2. THE INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION (IEBC).....2ND RESPONDENT

3. MR. HENRY KOMBE

(RETURNING OFFICER).....3RD RESPONDENT

RULING

1. Having heard the Petitioner who is no longer desirous of proceeding with the Petition and as the Petition was never served and the security for costs not deposited as mandatorily required under section 78 of the *Elections Act*, pursuant to the application dated 20th May 2013, this Petition is dismissed under section 78(3) of the *Elections Act*.

2. As **Mr Osoro** does not insist on the costs, there will be no order as to the costs of the Petition.

3. It is hereby directed that a certificate of this determination do issue to the Commission and the Speaker of the National Assembly as provided under section 86(1) of the *Elections Act*.

Dated at Mombasa this 22nd day of May 2013

G V ODUNGA
JUDGE

Delivered in the presence of the Petitioner, **Said Buya Hiribae**, acting in person and **Mr Osoro**, instructed by **Osoro Juma & Co. Advocates** for the 1st Respondent.