



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
CIVIL APPEAL NO. 15 OF 2013

MUNGAI KIVUTI.....PLAINTIFF

VERSUS

MARGARET LORNA KARIUKI.....1ST DEFENDANT

THE INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION.....2ND DEFENDANT

THE TRANSITION AUTHORITY.....3RD DEFENDANT

9/5/2013

Coram: H.I. Ong'udi – Judge

Njue -CC

N/A by or for all parties

COURT:

The appellant and Mr. Mogusu for the 2nd and 3rd Respondents were notified to come today.

None of them is here. The Deputy Registrar is directed to write and ask the parties to come to court for a mention on 16/5/2013 2.00 p.m. Without fail.

H.I. ONGUDI

JUDGE

9/5/2013

16/5/2013

Coram: H.I. Ong'udi – Judge

Njue – CC

Mr. Okwaro for Appellant (present)

Mr. Mogusu for 1st Respondent - present

Mr. Muiruri Mungai for 2nd Respondent – Absent Appeared in lower court
for 2nd Respondent

OKWARO:

The Memorandum of Appeal was not served on the Respondent. The Appellant feels that the Respondent not having been served with any papers he wishes to withdraw the appeal. I therefore apply that the appeal be withdrawn to enable us pursue the matter before the Lower Court. Mr. Mogusu may not have anything to say as he has not been served.

MOGUSU:

Its presumed we are on record. We have no objection to the appeal being withdrawn.

But I think we are entitled to costs.

COURT:

Its confirmed that the Memorandum of appeal has not been served on the Respondent.

Nothing much has taken place in this file. The appeal is therefore withdrawn as prayed.

No order as to costs.

H.I. ONG'UDI

JUDGE

16/5/2013