

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI LAW COURTS
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION 373 OF 2013

BETWEEN

NATIONAL VISION PARTY.....1ST PETITIONER

SARAH MOHAMED ALI 2ND PETITIONER

AND

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION 1ST RESPONDENT

NESTHEE BARE ELMI 2ND RESPONDENT

RULING

1. In the decision in *Magdalene Mbogori & Others v IEBC Petition No. 319 of 2013 (Unreported)* the Court (**Mumbi Ngugi, D. Majanja, W. Korir JJ**), on the 4th of July 2013, directed, *inter alia*, as follows;
 - a. *That the Independent Electoral and Boundaries Commission is directed to gazette the names of all County Assembly Members nominated in accordance with the provisions of sections 34 and 35 of the Elections Act, 2011 except the names affected by the cases filed in the High Court on 4th July 2013 and subject to pending decisions of the High Court on 12th July 2013.*
2. In compliance with the said order, the Independent Electoral and Boundaries Commission has now gazetted the nominated members the County Assembly through **Gazette Notice No. 9794** dated 16th July 2013.
3. It is now clear that the petition filed herein on 18th July 2013 is time barred and has been overtaken by events. Accordingly the petition is struck out with no order as to costs.

DATED and DELIVERED at NAIROBI this 22nd July 2013

D.S. MAJANJA

JUDGE