

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND JUDICIAL REVIEW DIVISION
PETITION NO 311 OF 2013

ALICE MORAA KOSKEIPETITIONER

VERSUS

NATIONAL ALLIANCE PARTY1ST RESPONDENT

INDEPENDENT ELECTORAL &

BOUNDARIES COMMISSION 2ND RESPONDENT

ANNE KHESABO GATI 3RD RESPONDENT

JUDGMENT

1. The petitioner's complaint in this matter is that the 3rd respondent is not a member of the National Alliance Party, (TNA) and should therefore not have been nominated to the Kisii County Assembly as the TNA nominee.
2. On its part, the 1st respondent took issue with the jurisdiction of the court to adjudicate over this matter. It contends that this is a matter that falls within the jurisdiction of the Political Parties Tribunal established under Section 40(b) of the Political Parties Act, 2011. It also contends that the dispute relates to a decision that it made exclusively as required under Article 92(2)
3. The 2nd respondent's position is that the 3rd respondent was on the TNA list for Kisii County, and in accordance with the law and the decision of this court in Petition No 147 of 2013 National Gender and Equality Commission -vs it nominated the 3rd respondent on the basis of that list.

Determination

4. We have read the pleadings and submissions of the parties in this matter. The petitioner's complaint is basically that she had worked tirelessly for her party, TNA, but it had failed to send her name to the 2nd respondent for nomination. In essence therefore, her dispute is with her political party, a matter that falls for determination, under the Political Parties Act, before the Tribunal established under that Act.
5. In our view therefore, the 2nd respondent properly dismissed her complaint No IEBC/NDRC/PL/9/2013. We therefore dismiss this petition with no order as to costs.

Dated, Delivered and Signed at Nairobi this 12th day of July 2013

MUMBI NGUGI

D. S. MAJANJA

WELDON KORIR

JUDGE

JUDGE

JUDGE