

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
JUDICIAL REVIEW DIVISION
MISC. APPL. NO. 300 OF 2013

BETWEEN

UNITY PARTY OF KENYA..... 1ST APPLICANT

LUCYLINE KARIMI MURITHI2ND APPLICANT

AND

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
.....1ST RESPONDENT**

AND

ANGELINE AKAI LODI.....INTERESTED PARTY

RULING

1. By the Chamber Summons dated 16th August, 2013, the *ex-parte* applicants seek to set aside the gazette of the interested party as a nominated representative to the Tharaka-Nithi County Assembly.
2. The members of the County Assembly were duly gazetted by the gazette notice published on 17th July 2013. In the circumstances, the only way the election can be challenged is through an election petition and not through an application for judicial review as provided in the *Elections Act, 2011*.
3. As this application has no prospects of success and the court lacks the jurisdiction to intervene in the manner suggested by these proceedings, leave sought in the Chamber Summons dated 16th August 2013 is declined and the application dismissed.

DATED and DELIVERED at NAIROBI this 19th day of August 2013.

D.S. MAJANJA

JUDGE