



**Aramadhani v Barasa & another (Election Petition Appeal
2 of 2018) [2025] KEHC 4279 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4279 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
ELECTION PETITION APPEAL 2 OF 2018
WM MUSYOKA, J
APRIL 4, 2025**

BETWEEN

IBRAHIM ARUNA ARAMADHANI APPELLANT

AND

EVANS BWIRE BARASA 1ST RESPONDENT

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION 2ND
RESPONDENT**

RULING

1. The Motion, dated 26th November 2024, is by the appellant. He would like to obtain orders to stay execution for costs awarded to the respondents, in a certificate of costs dated 17th June 2020. His case is that costs were taxed at Kshs. 36,910.00, but the 1st respondent was seeking to recover Kshs. 419,405.00 from him. He argues that there is fraud and lack of justification.
2. The 1st respondent has reacted to the Motion. His affidavit was sworn on 8th January 2025. He avers that he holds 2 certificates of costs, one of Kshs. 283,295.00, dated 17th October 2018 and the other of Kshs. 36,910.00, dated 17th June 2020. he is seeking to recover the amounts in both, in one execution process, hence the figure in the warrant of arrest. He has attached copies of the 2 certificates of costs.
3. The appellant has not reacted to that explanation by the 1st respondent.
4. Directions were given on 10th February 2025, for canvassing of that application by written submissions. I have seen submissions by the 1st respondent, which I have read and noted the arguments advanced. I have not seen any by the appellant.
5. I have perused the court file herein, and I have come across the 2 certificates of costs, whose copies are annexed to the affidavit of the 1st respondent. The 2 certificates are authentic. The 1st respondent



is entitled to recover the amounts in both certificates. I note that the appellant does not say that the amounts due have been settled.

6. The application, dated 26th November 2024, has no merit, in the circumstances. It was filed in abuse of process, and I hereby dismiss the same. The temporary orders, granted on 2nd December 2024, are hereby discharged. Orders accordingly.

DELIVERED BY EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, THIS 4TH DAY OF APRIL 2025.

W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Wycliffe Okutta, instructed by Ouma-Okutta & Associates, Advocates for the appellant.

Mr. Newton Shihemi, instructed by Maloba & Company, Advocates for the 1st respondent.

