



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**KAKAMEGA MISC. CIVIL CASE NO. 22 OF 2020**

**(CORAM: R. E. ABURILI - J.)**

**IN THE MATTER OF AN APPLICATION BY JONATHAN CHACHA WECHÉ AND VINCENT SHIONGO FOR LEAVE TO INSTITUTE JUDICIAL REVIEW ORDER OF CCERTOTARI**

**AND**

**IN THE MATTER OF POLITICAL PARTIES ACT NO. 1 OF 2011**

**AND**

**IN THE MATTER OF DECISION OF THE POLITICAL PARTIES DISPUTE TRIBUNAL AT NAIROBI COMPLAINT NO. 5 OF 2020 ISSUED ON JUNE 4<sup>TH</sup> 2020 BETWEEN RODGERS A. TINDI, PHILIP MANGALA AND JOHN MAKHANU WERE (as Complainants) AND JONATHAN CHACHA WECHÉ AND VINCENT SHIONGO (as Respondents) AND KENYA AFRICAN NATIONAL UNION (as Interested party)**

**AND**

**IN THE MATTER OF SECTION 8 AND 9 OF THE LAW REFORM ACTS**

**AND IN THE APPLICATION OF AN APPLICATION FOR LEAVE TO INSTITUTE JUDICIAL REVIEW**

**RODGERS A. TINDI..... 1<sup>ST</sup> APPLICANT**

**PHILIP MANGALA..... 2<sup>ND</sup> APPLICANT**

**JOHN MAKHANU WERE.....3<sup>RD</sup> APPLICANT**

**VERSUS**

**JONATHAN CHACHA WECHÉ.....1<sup>ST</sup> RESPONDENT**

**VINCENT SHIONGO.....2<sup>ND</sup> RESPONDENT**

**THE POLITICAL PARTIES DISPUTE TRIBUNAL.....3<sup>RD</sup> RESPONDENT**

**AND**

**KENYA AFRICAN NATIONAL UNION..... INTERESTED PARTY**

**RULING**

1. As the applicant seeks to set aside exparte orders of the court granted on 23/6/2020, I direct that he serves the Respondents for interpartes consideration in the new term.

2. I find no urgency involved or demonstrated in the application which has no prayer for leave to be heard during the recess.

3. I decline to certify the application as urgent.

4. Mention before Kakamega High Court in the ordinary course of business in the new term on 23/9/2020.

5. Matter returned to Kakamega High Court for conclusion.

Orders accordingly.

**Dated, signed and Delivered at Siaya this 3<sup>rd</sup> Day of September 2020**

**R.E. ABURILI**

**JUDGE**