



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**

**MISC. ELECTION PETITION APPEAL NO. 26 OF 2017**

ELIJAH OMONDI.....PLAINTIFF/APPLICANT

AND

ORANGE DEMOCRATIC PARTY.....1<sup>ST</sup> DEFENDANT/RESPONDENT

JUDY PARENO.....2<sup>ND</sup> DEFENDANT/RESPONDENT

DR. BOB ARUNGA.....3<sup>RD</sup> DEFENDANT/RESPONDENT

ODIWUOR ONG'WEN.....4<sup>TH</sup> DEFENDANT/RESPONDENT

DAVID ONYANGO ORAO.....5<sup>TH</sup> DEFENDANT/RESPONDENT

AND

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION..... INTERESTED PARTY

**RULING**

1. The application seeks to enforce the orders of the Political Parties Disputes Tribunal ('the Tribunal') which were contained in the judgment delivered on 18<sup>th</sup> May 2017. The orders and decree were said to have been served on the respondents who had wilfully failed to comply.
2. This is not an appeal from the decision of the Tribunal as envisaged under **Section 41(2)** of the **Political Parties Act, No. 11 of 2011**.
3. Under **section 41(3)** of the **Act** orders of the magistrates' courts can be enforced.
4. Under **section 10** of the **Magistrates Courts Act No. 26 of 2015** the magistrates courts have powers to punish for contempt.
5. It follows that the Tribunal can enforce its own orders and punish anyone who is in contempt of such orders.
6. The result is that the applicant is in the wrong forum. This court lacks the jurisdiction to hear and

determine the application. The same is struck out.

**DATED, DELIVERED and SIGNED at NAIROBI this 5<sup>TH</sup> day of JUNE 2017.**

**A.O. MUCHELULE**

**JUDGE**