



REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: OMOLO, TUNOI & SHAH, JJ.A.)

CIVIL APPLICATION NO. NAI. 22 OF 1998 (10/98 UR)

BETWEEN

OIRO OBWA .....APPLICANT

AND

THE CLERK TO COUNCIL

SIAYA COUNTY COUNCIL .....RESPONDENT

(An application for an Ex-parte order in an intended appeal from the Ruling and Order of the High Court of Kenya at Kisumu (Hon. Justice I. C. C. Wambiliyangah) delivered on the 26th day of November, 1997

in

H.C.M.C. NO. 389 OF 1997)

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RULING OF THE COURT

In this application, the applicant who is acting in person, seeks orders to restrain the respondent from interfering with, blocking or in any way preventing the applicant from entering his office in Siaya County Council and exercising his duties as chairman of the same Council until August, 1998.

It is common knowledge that all local authorities including Siaya County Council were dissolved before the just concluded General Elections. On the dissolution of the said council, the applicant ceased to be a councillor and it would be absurd to say that the applicant's chairmanship of the dissolved council was not affected. The intended appeal, in our view, does not have arguable grounds. In the circumstances this application is frivolous and devoid of merit. It is hereby ordered dismissed with costs.

Dated and delivered at Nairobi this 2nd day of March,

1998.

R. S. C. OMOLO

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JUDGE OF APPEAL

P. K. TUNOI

.....

JUDGE OF APPEAL

A. B. SHAH

.....

JUDGE OF APPEAL

I certify that this is  
a true copy of the original.

DEPUTY REGISTRAR