

REPUBLIC OF KENYA

IN THE CHIEF MAGISTRATE'S COURT AT BUSIA

ELECTION PETITION NO. 7 OF 2017

PAUL ODHIAMBO OKELLO.....PETITIONER

=VERSUS=

1. INDEPENDENT ELECTORAL COMM.....1ST RESPONDENT

2. ROSELYNE A ONYANGO.....2ND RESPONDENT

3. OUMA MOSES PIUS.....3RD RESPONDENT

RULING

By the Application dated 19.9.17 the 3rd Respondent seeks leave to enable him serve and respond pursuant to rule 11 and 19 of the Elections (Parliamentary and County Elections Petitions Rules 2017 and that the Elections (Parliamentary and County Amendment) Rules 2017.

The Application is grounded on the reasons on the face of it and the Affidavit of the 3rd Respondent. The Petitioner opposes it and filed a Preliminary Objection. That the Honourable court lacks Jurisdiction to extend time, allowing the 3rd Respondents Leave to file and serve the Respondents. I have looked at the said application, the notice, submissions by the 3rd Respondent and the Petitioner. I find that this court having been Gazetted as an Election court has jurisdiction to extend leave pursuant to Rule 19. The application was made without inordinate delay and will not prejudice the Petitioner. I allow the same. The Response shall be filed and served on the Petitioner's Counsel within 3 days. The Applicants shall meet the costs of this suit.

W.K. Chepseba, CM

Ruling dated and delivered at Busia Law Court in the presence of the Kilonji holding brief for Makokha on 27th September 2017

Nabulindo for the 3rd Respondent

Mr. Balongo holding brief for Ashioya for the Petitioner

W.K. Chepseba, CM