



REPUBLIC OF KENYA

IN THE CHIEF MAGISTRATE'S COURT AT BUNGOMA

ELECTION PETITION NO. 1 OF 2013

**IN THE MATTER OF THE ELECTIONS ACT NO. 24 OF 2011 AND ELECTIONS
[PARLIAMENTARY AND COUNTY ELECTIONS] PETITION RULES, 2013**

AND

IN THE MATTER OF THE MEMBER OF COUNTY ASSEMBLY FOR LWANDANYI WARD

BETWEEN

ROBERT BISAKAYA WANYERA.....PETITIONER

VERSUS

1. NATHAN OBWANA1ST RESPONDENT

2. CALEB S. GEKONDE2ND RESPONDENT

3. THE INDEPENDENT ELECTORAL

BOUNDARIES COMMISSION.....3RDRESPONDENT

4. LORNA NANJALA KHAEMBA4TH RESPONDENT

RULING

I have considered application for adjournment by Counsel for 1st Respondent and response by Counsel for petitioner. I agree with Counsel for petitioner that time is of essence and from the onset we agreed on how we will proceed. I did not expect an application for adjournment after allocation of time but I also note that there is need to give each party sufficient opportunity to be heard before Court reaches a finding/decision. This being the first application and also taking into consideration the fact that all Counsels have made efforts to attend Court and avail witness when required it would be fair to grant the 1st respondent one chance to avail the remaining witnesses.

I therefore allow the application but do order that this is a last adjournment. I also take into account the fact that 1st respondent has partly proceeded today and do award the petitioner and 2nd, 3rd and 4th respondent half costs today. I will not assess the costs now.

R.B. NGETICH

Ag. CHIEF MAGISTRATE

23/5/2013

23/5/013

Before Hon. R.B. Ngetich, Ag. CM

CC – Gladys

Ms Mumalasi for Petitioner

Mr. Mokuu for 1st Respondent

Mr. Akenga for 2nd, 3rd & 4th Respondents

COURT: Ruling delivered and signed in open Court.

R. B. NGETICH

Ag. CHIEF MAGISTRATE

23/5/2013