



**REPUBLIC OF KENYA**

**IN THE PRINCIPAL MAGISTRATE’S COURT OF KENYA AT WAJIR**

**ELECTION PETITION NO. 2 OF 2013**

**MUSA IBRAHIM DIMBIL.....1<sup>ST</sup> PETITIONER**

**VERSUS**

**THE INDEPENDENT ELECTORAL AND BOUNDARIES**

**COMMISSION.....1<sup>ST</sup> RESPONDENT**

**ABDULAHI ALI ABDI.....2<sup>ND</sup> RESPONDENT**

**Court:** There is no appearance on the part of the petitioner or his advocate. There is no prove that they have complied with the elections Act. Today is on 26/8/13 and there is a deadline for deciding election petition cases. This is a very clear case of an advocate who has taken this court for granted. The petitioner had over a month to gazette the application to withdraw the case. The court has not seen any prove to that extend despite dealing with the matter severally. Under the circumstances I have no choice but to allow the application to withdraw this case. There are only fourteen (14) days before the deadline of deciding election petition. I shall order that these proceedings be typed and the matter be taken up by the chief registrar to see if action can be taken against the petitioners advocate for taking this court for granted. The application is allowed with costs to the 1<sup>st</sup> respondent. Petitioner to pay the costs.

**Court:** Assessment of bill of costs on 19/9/13.

**Linus Kassan – PM**

**26/8/2013**