



**Orange Democratic Movement & another v Dhonji & 4 others; Namunyu & another (Interested Parties) (Civil Appeal E459 & E473 of 2022 & Civil Application E257 of 2022 (Consolidated)) [2022] KECA 801 (KLR) (29 July 2022) (Judgment)**

Neutral citation: [2022] KECA 801 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPEAL E459 & E473 OF 2022 & CIVIL APPLICATION E257 OF 2022 (CONSOLIDATED)  
DK MUSINGA, F SICHALE & S OLE KANTAI, JJA  
JULY 29, 2022**

**BETWEEN**

**ORANGE DEMOCRATIC MOVEMENT ..... APPELLANT**

**AND**

**JOSEPH OUMA DHONJI ..... 1<sup>ST</sup> RESPONDENT**

**SHADRACK MACHANJE NAMUNYU ..... 2<sup>ND</sup> RESPONDENT**

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION .... 3<sup>RD</sup> RESPONDENT**

**CATHERINE MUMMA ..... 4<sup>TH</sup> RESPONDENT**

**AS CONSOLIDATED WITH  
CIVIL APPEAL E473 OF 2022**

**BETWEEN**

**CATHERINE MUMMA ..... APPELLANT**

**AND**

**JOSEPH OUMA DHONJI ..... RESPONDENT**

**AND**

**SHADRACK MACHANJE NAMUNYU ..... INTERESTED PARTY**

**ORANGE DEMOCRATIC PARTY ..... INTERESTED PARTY**

**AS CONSOLIDATED WITH**



**CIVIL APPLICATION E257 OF 2022**

**BETWEEN**

**ORANGE DEMOCRATIC MOVEMENT ..... APPELLANT**

**AND**

**JOSEPH OUMA DHONJI ..... 1<sup>ST</sup> RESPONDENT**

**SHADRACK MACHANJE NAMUNYU ..... 2<sup>ND</sup> RESPONDENT**

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION .... 3<sup>RD</sup>  
RESPONDENT**

**CATHERINE MUMMA ..... 4<sup>TH</sup> RESPONDENT**

*(Being an appeal from the Ruling of the High Court of Kenya at Nairobi  
(Sergon, J.) delivered on 18th July 2022 in H.C. Civil Appeal No. E413 of 2022)*

**JUDGMENT**

1. Upon considering the records of appeal in the above consolidated matters and the written and oral submissions by counsel for the various parties, we hereby allow the appeals and set aside the ruling and orders of Sergon, J. in Civil (Election) Appeal No. E413 of 2022 given on 18<sup>th</sup> July 2022. We substitute therefor an order reinstating the judgment by the learned judge of 1<sup>st</sup> July 2022 in Civil (Election) Appeal No. E413 of 2022.
2. We order that each party bears its own costs.
3. The reasons for this judgment shall be delivered on 23<sup>rd</sup> September 2022.

**DATED AND DELIVERED AT NAIROBI THIS 29<sup>TH</sup> DAY OF JULY, 2022.**

**D. K. MUSINGA, (P)**

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**JUDGE OF APPEAL**

**F. SICHALE**

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**JUDGE OF APPEAL**

**S. ole KANTAI**

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**JUDGE OF APPEAL**

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

*Signed*

**DEPUTY REGISTRAR**

