



**Orange Democratic Movement Party & another v Opiyo & 2 others (Election Petition Appeal (Application) E186 of 2022) [2022] KECA 948 (KLR) (3 August 2022) (Ruling)**

Neutral citation: [2022] KECA 948 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT KISUMU  
ELECTION PETITION APPEAL (APPLICATION) E186 OF 2022  
MSA MAKHANDIA, HA OMONDI & F TUIYOT, JJA  
AUGUST 3, 2022**

**BETWEEN**

**ORANGE DEMOCRATIC MOVEMENT PARTY ..... 1<sup>ST</sup> APPELLANT**

**NATIONAL ELECTIONS BOARD ODM – PARTY ..... 2<sup>ND</sup> APPELLANT**

**AND**

**GEOFFREY OTIENO OPIYO ..... 1<sup>ST</sup> RESPONDENT**

**ZAKAYO ONGONO OKUMA ..... 2<sup>ND</sup> RESPONDENT**

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

*(Being an application for extension of time to file a notice of appeal out of time from the judgment of the High Court of Kenya at Kisumu, (Kamau, J.) delivered on 27th May, 2022 in HCCA NO. E034 OF 2022)*

**RULING**

1. Having considered the Notice of Motion dated 15<sup>th</sup> July, 2022 and arguments of counsel made in support and in opposition of the said application, and further having considered authorities cited to us, we reach a conclusion that the said Motion is devoid of merit. It is hereby dismissed.
2. This decision is rendered pursuant to Rule 34 (7) of the Court of Appeal Rules, 2022, the reasons wherefor shall be given on 12<sup>th</sup> August, 2022.

**DATED AND DELIVERED AT KISUMU THIS 3<sup>RD</sup> DAY OF AUGUST, 2022.**

**ASIKE-MAKHANDIA**

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**JUDGE OF APPEAL**

**H. A. OMONDI**

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**JUDGE OF APPEAL**

**F. TUIYOTT**

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**JUDGE OF APPEAL**

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

*Signed*

**DEPUTY REGISTRAR**

