



IN THE COURT OF APPEAL

AT KISUIMU

(CORAM: E. M. GITHINJI, HANNAH OKWENGU &

J. MOHAMMED, J.J.A.)

ELECTION APPEAL NO. 3 OF 2017

IN THE MATTER OF THE ELECTIONS ACT 2011

AND

IN THE MATTER OF ARTICLES 1, 10, 15, 22, 23, 38, 81, 83,

87 AND 99 OF THE CONSTITUTION OF KENYA, 2010

AND

IN THE MATTER OF ELECTION FOR THE MEMBER OF

PARLIAMENT FOR BUTERE CONSTITUENCY

HELD ON 8TH OF AUGUST, 2017

BETWEEN

ANDREW TOBOSO ANYANGA.....APPELLANT

AND

MWALE NICOLAS SCOTT TINDI.....FIRST RESPONDENT

HABIL NANJENDO BUSHURU.....SECOND RESPONDENT

RETURNING OFFICER,

BUTERE (CONSTITUENCY).....THIRD RESPONDENT

THE INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION.....FOURTH RESPONDENT

(Appeal from the ruling/order of the High Court of Kenya at Kakamega

(Sitati, J) dated 23rd October, 2017

in

Election Petition No. 12 of 2017)

ORDER OF THE COURT

It is apparent that the 2nd respondent has not been served with a hearing notice. In the circumstances, we take the matter out of the hearing list and direct that it be listed for hearing on **12/4/2018** and that the appellant assists the Court in serving the **hearing notice** on the advocate for 2nd respondent.

Further, we grant leave to the appellant to file and serve a supplementary rules of appeal within **10 days** from **today**.

DATED at Kisumu this 22nd February, 2018.

E. M. GITHINJI

.....

JUDGE OF APPEAL

HANNAH OKWENGU

.....

JUDGE OF APPEAL

J. MOHAMMED

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR.