



IN THE COURT OF APPEAL

AT KISUMU

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

J. MOHAMMED, J.J.A.)

CIVIL APPEAL ELECTION PETITION NO. 12 OF 2018

BETWEEN

HABIL NANJERO BUSHURU.....APPELLANT

AND

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION (I.E.B.C.).....1ST RESPONDENT

THE CONSTITUENCY RETURNING OFFICER,

BUTERE CONSTITUENCY..... 2ND RESPONDENT

MWALE NICHOLAS SCOTT TINDI.....3RD RESPONDENT

ANDREW TO BOSO.....4TH RESPONDENT

(Being Notice to show cause why the Notice of Appeal should not be struck out under Section 85 A (1) (a) of the Election Act and Rule 83 of the Court of Appeal Rules

in

ELECTION PETITION CIVIL APPEAL NO. 12 OF 2018)

ORDER OF THE COURT

The intended appellant filed a Notice of Appeal on 26th February, 2018 signifying an intention to appeal against the decision of the Election Court dated 16th February, 2018 through the firm of **Akusala & Co. Advocates**. However, no appeal was filed within 30 days as stipulated by **section 85 A (1) (a)** of the Election Act as read **with Rule 8(5)** of the Court of Appeal (Election Petition) Rules, 2017, thereby rendering the Notice of Appeal futile.

In the premises, the Notice of Appeal is struck out under **Rule 84** Court of Appeal Rules as read with **Rule 4(2)** Court of Appeal (Election Petition) Rules, 2017 with costs to the respondents.

Made at Kisumu this 21st day of June, 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