



IN THE COURT OF APPEAL

AT KISUMU

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

J. MOHAMMED, J.J.A.)

CIVIL APPEAL ELECTION PETITION NO. 25 OF 2018

BETWEEN

JOSEPH AMISI OMUKANDA.....APPELLANT

AND

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION (I.E.B.C.).....1<sup>ST</sup> RESPONDENT

RETURNING OFFICER,

NAVAKHOLO CONSTITUENCY.....2<sup>ND</sup> RESPONDENT

EMMANUEL WANGWE.....3<sup>RD</sup> 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. 25 OF 2018)

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ORDER

ORDER OF THE COURT

Since the intended appellant’s counsel M/S Oduk has not attended Court to show cause why the Notice of Appeal filed on 15<sup>th</sup> March, 2018 should not be struck out and since the intended appellant has not filed an appeal within the 30 days stipulated by **section 85 A (1) (a)** of the Elections Act as read with **Rule 8(5)** of the Court of Appeal Election Petition Rules, 2017 and further as the Notice of Appeal was filed out of time, the Notice of Appeal is struck out under **Rule 84** of the Court of Appeal Rules as read with **Rule 4(2)** of the Court of Appeal Election Petition Rules, 2017 with costs to the respondents.

Made at Kisumu this 21<sup>st</sup> 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**