



IN THE COURT OF APPEAL

AT KISUMU

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

J. MOHAMMED, J.J.A.)

ELECTION PETITION CIVIL APPEAL NO. 10 OF 2018

BETWEEN

HON. MARY EMAASE OTUCHO.....APPELLANT

AND

HON. GEOFFREY OMUSE.....FIRST RESPONDENT

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION (IEBC).....SECOND RESPONDENT

(Appeal from the judgment of the High Court of Kenya at Busia, (Kiarie, J.) dated 31st January, 2018

in

HIGH COURT ELECTION PETITION NO. 1 OF 2017)

ORDER OF THE COURT

The appellant was served with a notice to show cause why the notice of appeal filed on 27/2/2018 should not be struck out. As the appellant has not attended court and no action has been taken in furtherance of the notice, we strike out the notice of appeal dated 27th February, 2018 under **section 84** of the **Court of Appeal Rules** as read with **Rule 4(2)** of the Court of Appeal Election Petition Rules 2017.

We award costs to the 1st respondent.

DATED at Kisumu this 21st 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.