



IN THE COURT OF APPEAL

AT KISUMU

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

J. MOHAMMED, J.J.A.)

CIVIL APPEAL ELECTION PETITION NO. 3 OF 2018

BETWEEN

DAVID KERARIO MARWA.....APPELLANT

AND

BOAZ AWITI OKOTH.....1<sup>ST</sup> RESPONDENT

THE CLERK, MIGORI COUNTY ASSEMBLY.....2<sup>ND</sup> RESPONDENT

GEORGE OKINYI OMAMBA.....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. 3 Of 2018)*

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ORDER OF THE COURT

As no appeal was filed 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 Appeal Rules, and as **Ms. Momanyi**, learned counsel for intended appellant concedes that the notice of appeal be stuck out with no order as to costs, the Notice of Appeal dated 31<sup>st</sup> January, 2018 and lodged by **David Kerario Marwa** is struck out with no orders as to costs.

Made at Kisumu this 19<sup>th</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**