



IN THE COURT OF APPEAL

AT KISUMU

(CORAM: E . M. GITHINJI, HANNAH

OKWENGU & J. MOHAMMED, J.J.A.)

ELECTION PETITION CIVIL APPEAL NO. 19 OF 2018

BETWEEN

INDEPENDENT ELECTORAL & BOUNDARIES

COMMISSION FIRST.....APPELLANT

THE RETURNING OFFICER, UGENYA CONSTITUENCY,

ISAIAH NABWAYO.....SECOND APPELLANT

AND

DAVID OUMA OCHIENG.....FIRST RESPONDENT

CHRISTOPHER ODHIAMBO KARANI.....SECOND RESPONDENT

(Appeal from the judgment of the High Court of Kenya at Siaya, *(Cherere, J.)*)

dated 1st March, 2018 in High Court Election Petition No. 1 Of 2017)

ORDER OF THE COURT

A notice to show cause having been issued for the appellant to show cause why the notice of appeal should not be struck out and the appellant having been served and being absent, we struck out the notice of appeal under **Rule 83** of the **Court of Appeal Rules** and award the costs to the 2nd respondent who is represented in Court today.

DATED at Kisumu this 19th 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.