



**IN THE COURT OF APPEAL**

**AT KISUMU**

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

**J. MOHAMMED, J.J.A.)**

**ELECTION PETITION CIVIL APPEAL NO. 6 OF 2018**

**BETWEEN**

**INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION.....FIRST APPELLANT**

**THE RETURNING OFFICER, HOMA BAY COUNTY.....SECOND APPELLANT**

**AND**

**HON. JOSEPH OYUGI MWAGWANGA.....FIRST RESPONDENT**

**HON. JOSHUA ORERO.....SECOND RESPONDENT**

(Appeal from the judgment of the High Court of Kenya at Homa Bay, **(Karanja, J.)** dated 20<sup>th</sup> February, 2018 in **High Court Election Petition No. 1 Of 2017**)

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**ORDER OF THE COURT**

No action having been taken in furtherance of the notice of appeal filed by the appellants herein, and the appellants having no objection to the same being struck out, we strike out the notice of appeal dated 20/2/2018 with no orders as to costs.

**DATED at Kisumu this 19<sup>th</sup> 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.**