



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**(CORAM: BOSIRE, WAKI & DEVERELL JJ.A)**

**CIVIL APPEAL NO.141 OF 2003**

**BETWEEN**

**ADEN SUGOW AHMED.....APPELLANT**

**AND**

**ELIAS BARRE SHILL.....1<sup>ST</sup>RESPONDENT**

**JAMA HASSAN GINNI.....2<sup>ND</sup>RESPONDENT**

**ELECTORAL COMMISSION OF KENYA.....3<sup>RD</sup> RESPONDENT**

**(Appeal from ruling and order of (Mary Ang'awa J.) delivered on 27th May 2003 at Nairobi**

**H.C.ELECTION PETITION No. 2 of 2003)**

**\*\*\*\*\***

**ORDER OF THE COURT**

The appellant having reconsidered his position with regard to this appeal, has informally applied for leave to withdraw the present appeal. Counsel for the respondents do not oppose withdrawal of the appeal but pray that we grant them the costs of the appeal. We have considered the informal application and grant the same. Accordingly we order that this appeal be and is hereby withdrawn under **rule 93(5)** of the **Court of Appeal Rules**. The costs of the appeal are awarded to the Respondents to be agreed failing agreement to be taxed.

**Made at Nairobi this 27<sup>th</sup> day of April, 2006.**

**S.E.O BOSIRE**

.....

**JUDGE OF APPEAL**

**P.N. WAKI**

.....  
**JUDGE OF APPEAL**

**W.S. DEVERELL**

.....  
**JUDGE OF APPEAL**

**I certify that this is  
a true copy of the original.**

**DEPUTY REGISTRAR**