



REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

(Coram: Maraga, CJ &

P; Mwilu, DCJ & VP; Ibrahim, Ojwang & Lenaola, SCJJ)

APPLICATION NO. 6 OF 2018

–BETWEEN–

MOHAMED ABDI MAHAMUD.....APPELLANT

–AND–

AHMED ABDULLAHI MOHAMED.....1ST RESPONDENT

AHMED MUHUMED ABDI.....2ND RESPONDENT

GICHOHI GATUMA PATRICK.....3RD RESPONDENT

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION.....4TH RESPONDENT

(Appeal from the Judgment and decree of the Court of Appeal at

Nairobi by Hon. Justice Phillip Waki, Hon. Justice Patrick

Kiage and Hon. Justice Makhandia dated 20 April 2018)

May 3, 2018

Coram:

D.K. Maraga, CJ & P.

P.M. Mwilu, DCJ & V-P.

Ibrahim, SCJ

Ojwang, SCJ

Lenaola, SCJ

ORDER

While the appeal awaits hearing, there is an urgent situation affecting the Office of Governor of Wajir County. The applicant's counsel has filed a certificate of urgency, supported by the affidavit of Mohamed Abdi Mohamad, the sitting Governor of Wajir County, dated 23rd April, 2018. It is averred that the Governor's office is destined to fall vacant and to be occupied by the holder of the Office of Speaker, on account of delay in hearing the applicant's case on the merits and disposing of it.

In order to secure the forthcoming hearing before the Supreme Court, and to sustain the integrity of such finding and Orders as the Supreme Court may ultimately make, it is essential to preserve the subject matter of the appeal.

Accordingly, we hereby make this ORDER staying any and all actions bearing on the occupancy of the Governor's office. The *status quo* shall not be disturbed pending the hearing and determination of the matter pending before the Supreme Court.

Orders accordingly.

DATED and DELIVERED at NAIROBI this 3rd day of May, 2018

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D.K. MARAGA

CHIEF JUSTICE/PRESIDENT

OF THE SUPREME COURT

.....

M.K. IBRAHIM

JUSTICE OF THE SUPREME COURT

.....

I. LENAOLA

JUSTICE OF THE SUPREME COURT

I certify that this is a true copy of the original

REGISTRAR,

SUPREME COURT OF KENYA

.....

P.M. MWILU

DEPUTY CHIEF JUSTICE & VICE

PRESIDENT, SUPREME COURT

.....

J.B. OJWANG

JUSTICE OF THE SUPREME COURT

