



**IN THE COURT OF APPEAL**

**AT KISUMU**

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

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

**ELECTION PETITION CIVIL APPEAL NO. 32 OF 2018**

**BETWEEN**

**JOSEPH AMISI OMUKANDA.....APPELLANT**

**AND**

**INDEPENDENT ELECTORAL AND**

**BOUNDARIES COMMISSION (IEBC).....FIRST RESPONDENT**

**RETURNING OFFICER,**

**NAVAKHOLO CONSTITUTUENCY.....SECOND RESPONDENT**

**EMMANUEL WANGWE.....THIRD RESPONDENT**

*(Appeal from the judgment of the High Court of Kenya at Kakamega,*

*(Njagi, J.) dated 2<sup>nd</sup> March, 2018*

**in**

**HIGH COURT ELECTION PETITION NO. 13 OF 2017)**

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**ORDER OF THE COURT**

As the appellant was served with a notice to show cause and has failed to explain why no action has been taken in furtherance of the appeal, we order that the notice of appeal dated 16<sup>th</sup> March, 2018 be and is hereby struck out with costs under Rule **84** of the **Court of Appeal Rules** as read with **Rule 4(2)** of the Court of Appeal Election Petition Rules 2017.

**DATED at Kisumu this 21<sup>st</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.*

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