



**IN THE COURT OF APPEAL**

**AT KISUMU**

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

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

**CIVIL APPEAL ELECTION PETITION NO. 12 OF 2018**

**BETWEEN**

**HABIL NANJERO BUSHURU.....APPELLANT**

**AND**

**INDEPENDENT ELECTORAL AND**

**BOUNDARIES COMMISSION (I.E.B.C.).....1<sup>ST</sup> RESPONDENT**

**THE CONSTITUENCY RETURNING OFFICER,**

**BUTERE CONSTITUENCY..... 2<sup>ND</sup> RESPONDENT**

**MWALE NICHOLAS SCOTT TINDI..... 3<sup>RD</sup> RESPONDENT**

**ANDREW TO BOSO..... 4<sup>TH</sup> RESPONDENT**

*(Being Notice to show cause why the Notice of Appeal should not be struck out under Section 85 A (1) (a) of the Election Act and Rule 83 of the Court of Appeal Rules*

**in**

**ELECTION PETITION CIVIL APPEAL NO. 12 OF 2018)**

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**ORDER OF THE COURT**

The intended appellant filed a Notice of Appeal on 26<sup>th</sup> February, 2018 signifying an intention to appeal against the decision of the Election Court dated 16<sup>th</sup> February, 2018 through the firm of **Akusala & Co. Advocates**. However, no appeal was filed within 30 days as stipulated by **section 85 A (1) (a)** of the Election Act as read **with Rule 8(5)** of the Court of Appeal (Election Petition)

Rules, 2017, thereby rendering the Notice of Appeal futile.

In the premises, the Notice of Appeal is struck out under **Rule 84** Court of Appeal Rules as read with **Rule 4(2)** Court of Appeal (Election Petition) Rules, 2017 with costs to the respondents.

**Made at Kisumu this 21<sup>st</sup> day of 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**



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