



**IN THE COURT OF APPEAL**

**AT KISUMU**

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

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

**ELECTION PETITION CIVIL APPEAL NO. 4 OF 2017**

**BETWEEN**

**CHRISTOPHER ODHIAMBO KARAN..... APPELLANT**

**AND**

**DAVID OUMA..... FIRST RESPONDENT**

**INDEPENDENT ELECTORAL AND**

**BOUNDARIES COMMISSION.....SECOND RESPONDENT**

**THE RETURNING OFFICER,**

**UGENYA CONSTITUENCY,**

**ISIAH NABWAYO.....THIRD RESPONDENT**

*(Appeal from the Ruling of the High Court of Kenya at Kisumu,*

*(Cherere, J.) dated 16<sup>th</sup> November, 2017*

**in**

**HIGH COURT ELECTION PETITION NO. 1 OF 2017)**

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**ORDER OF THE COURT**

The appellant herein was served with a notice to show cause as to why the notice of appeal should not be struck out under **Rule 83** of **Court of Appeal Rules**. The appellant has explained that they did not receive proceedings in time and that, in any case, their

intended appeal is now subsumed in Civil Appeal No. 13/2018 that they had filed against the substantive judgment and which is now due for judgment by this Court on 17/7/2018.

In the circumstances, we grant the appellants oral application to withdraw the notice of appeal and mark the appeal as withdrawn with no orders as to costs.

The same order shall apply in Civil Appeal No. 5/2017 where the parties are the same and a similar notice had been issued.

**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.**



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