



Case Number:	Election Petition 2 of 2013
Date Delivered:	23 May 2013
Case Class:	Civil
Court:	Election Petition in Magistrate Courts
Case Action:	Order
Judge:	Ndungu H.N (Miss) CM
Citation:	Mohamed Koriyow Hassan & another v I.E.B.C & 3 others [2014] eKLR
Advocates:	Mwangi Charles for the petitioner Mwangi J. K. holding brief for Garane for the 1st respondent
Case Summary:	-
Court Division:	Civil
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	Allowed
History County:	-
Representation By Advocates:	Both Parties Represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.

**REPUBLIC OF KENYA**

**IN THE CHIEF MAGISTRATE'S COURT AT GARISSA**

**ELECTION PETITION NO. 2 OF 2013**

**MOHAMED KORIYOW HASSAN.....1<sup>ST</sup> PETITIONER**

**MOHAMED ADEN DUBOW.....2<sup>ND</sup> PETITIONER**

**VERSUS**

**I.E.B.C.....1<sup>ST</sup> RESPONDENT**

**THE CLERK GARISSA COUNTY.....2<sup>ND</sup> RESPONDENT**

**MOHAMED ABEY MOHAMED.....3<sup>RD</sup> RESPONDENT**

**ABUBAKAR MOHAMED SHIDE.....4<sup>TH</sup> RESPONDENT**

**14/05/13**

**BEFORE ME : NDUNG'U H. N. (MISS) CM**

**C/CLERK : HALIMA**

**Mwangi Charles for the petitioner**

**Mwangi J. K. holding brief for Garane for the 1<sup>st</sup> respondent**

**MWANGI CHARLES:** The matter is coming up for directions and also to report on service. We have served the 1<sup>st</sup> respondent. 2<sup>nd</sup> respondent and the 3<sup>rd</sup> and 4<sup>th</sup> have not been served but have been notified by telephone and email on this matter. The one who has been problematic is the 3<sup>rd</sup> respondent he promised to give us his email but never did so though we talked to him on phone.

We have complied. We wish to have two weeks to allow the parties to negotiate out of court as there are indications that there is a possibility of a settlement. We ask for two weeks time to report back on the outcome of negotiations. That's all.

**NDUNG'U H. N. (MISS) CM**

**14/05/13**

**MWANGI J. K:** The 1<sup>st</sup> respondent does not oppose the adjournment for two (2) weeks. However we shall be asking for today's costs. Further if the petitioner wishes to withdraw at any time before commencement of hearing of the petition the 1<sup>st</sup> respondent maintains that it should be awarded costs. The security should be given to the 1<sup>st</sup> respondent as all other parties have not filed their papers. That's all.

**NDUNG'U H. N. (MISS) CM**

**14/05/13**

**MWANGI CHARLES**: Nothing in response.

**NDUNG’U H. N. (MISS) CM**

**14/05/13**

**ORDER**: Mention 23/05/2013. The 1<sup>st</sup> respondent to have today’s costs assessed at Kshs. 5,000/-.

**NDUNG’U H. N. (MISS) CM**

**14/05/13**

**23/05/13**

BEFORE ME : NDUNG’U H. N. (MISS) CM

C/CLERK : HALIMA

Mwangi J. K. for 1<sup>st</sup> respondent

Charles Mwangi for petitioner

**CHARLES MWANGI**: We have agreed on the issues and we pray it be marked as settled with no order as to costs as per the filed consent.

**NDUNG’U H. N. (MISS) CM**

**23/05/13**

**ORDER**: Orders then in terms of the letter of consent filed this morning and dated 23<sup>rd</sup> May 2013 that is to say.

“By consent the parties agree to have this election petition marked as settled with no order as to costs. The security for costs deposit to be released to the petitioners”.

**NDUNG’U H. N. (MISS) CM**

**23/05/13**

**FURTHER ORDER**: Proceedings to be typed for record purposes and for release to parties if they need them.

**NDUNG’U H. N. (MISS) CM**

**23/05/13**



[Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions.  
Read our [Privacy Policy](#) | [Disclaimer](#)