

KENYA / JUDGMENT

Phylip O. Mwabe v Orange Democratic Movement & another [2017] KECA 495 (KLR)

[2017] KECA 495 (KLR)

COURT

Court of Appeal

BEFORE

RN Nambuye, SP Ouko

CASE / FILE NUMBER

Civil Appeal 150 of 2017

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REPUBLIC OF KENYA IN THE COURT OF APPEAL AT NAIROBI (CORAM: NAMBUYE, OUKO & GATEMBU, JJA) CIVIL APPEAL NO.150 OF 2017 BETWEEN PHYLIP O. MWABE.....APPELLANT VERSUS ORANGE DEMOCRATIC MOVEMENT.....1ST RESPONDENT JOSEPH OBIERO NDIEGE.....2ND RESPONDENT (Appeal from the Judgment and Order of the High Court of Kenya at Nairobi (Onyiego, J) Dated 25th May, 2017 in Election Petition No. 19 of 2017)

JUDGMENT OF THE COURT This appeal was exhaustively argued before us by learned counsel on board for the respective parties on the 14th day of June, 2017. We have accordingly considered the record in totality, in the light of the rival submissions by the said respective learned counsel, and the authorities relied upon by either side in support of their respective submissions, and for the reasons that we shall give on the 21st July, 2017, we hereby make the following orders: The appeal is hereby dismissed in its entirety. Each party to bear own costs. DATED AND DELIVERED AT NAIROBI THIS 16TH DAY OF JUNE, 2017 R.N. NAMBUYE JUDGE OF APPEAL W. OUKO JUDGE OF APPEAL S. GATEMBU KAIRU FCI Arb JUDGE OF APPEAL I certify that this is a true copy of the original. DEPUTY REGISTRAR.

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