



**REPUBLIC OF KENYA**

**IN THE SUPREME COURT OF KENYA AT NAIROBI**

*(Coram: Maraga, CJ & P; Mwilu, DCJ & V-P; Ojwang, Wanjala, Njoki & Lenaola, SCJJ)*

**PRESIDENTIAL ELECTION PETITION NO. 4 OF 2017**

**–BETWEEN–**

**1. NJONJO MUE**

**2. KHELEF KHALIFA.....PETITIONERS**

**AND**

**1. THE CHAIRPERSON OF THE INDEPENDENT ELECTORAL AND  
BOUNDARIES COMMISSION.....RESPONDENTS**

**2. THE HON. THE ATTORNEY-GENERAL**

**3. H.E. UHURU MUIGAI KENYATTA**

**4. NATIONAL SUPER ALLIANCE**

**RULING [IN SUMMARY]**

**[1]** An intricate network of common cause links the 4<sup>th</sup> respondent to the other parties to this petition, in a formation that is clearly detrimental to the 3<sup>rd</sup> respondent who, in view of the mode of joinder of the 4<sup>th</sup> respondent, will have no opportunity to safeguard his rightful interests in the electoral process – a subject which is, quite significantly, one of the most important public interest.

**[2]** In the circumstances, the 4<sup>th</sup> respondent must be struck out as a respondent in this petition.

***Orders accordingly.***

**DATED and DELIVERED at NAIROBI this 14<sup>th</sup> day of November, 2017.**

.....

**D. K. MARAGA**

**CHIEF JUSTICE & PRESIDENT**

.....

**P. M. MWILU**

**DEPUTY CHIEF JUSTICE & VICE OF THE**

**SUPREME COURT**

**PRESIDENT OF THE SUPREME COURT**

.....

.....

**J. B. OJWANG**

**S. C. WANJALA**

**JUSTICE OF THE SUPREME COURT**

**JUSTICE OF THE SUPREME COURT**

.....

.....

**NJOKI NDUNGU**

**I. LENAOLA**

**JUSTICE OF THE SUPREME COURT**

**JUSTICE OF THE SUPREME COURT**

**I certify that this is a true copy of the original**

**REGISTRAR**

**SUPREME COURT OF KENYA**



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