



THE REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

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

PRESIDENTIAL ELECTION PETITION NO. 4 OF 2017

(APPLICATION FOR JOINDER AS INTERESTED PARTY)

BETWEEN

NJONJO MUE.....1ST PETITIONER

KHELEF KHALIFA.....2ND PETITIONER

AND

THE CHAIRPERSON INDEPENDENT ELECTORAL

AND BOUNDARIES COMMISSION.....1ST RESPONDENT

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION.....2ND RESPONDENT

H.E UHURU MUGAI KENYATTA.....3RD RESPONDENT

AND

EDWARD KINGS ONYANCHA MAINAAPPLICANT/ INTERESTED PARTY

RULING

(An application for joinder as an interested party under Rule 25 of the Supreme Court Rules, 2012 as read with Rule 4 (2) of the Supreme Court (Presidential Election Petition) Rules, 2017)

1. UPON perusing the application dated 11th November, 2017 and filed on 13th November, 2017 by **Edward Kings Onyancha Maina** for joinder as an interested party in **the Presidential Election Petition No. 4 of 2017** and;

2. UPON reading: **the affidavit of Mr. Edward Kings Onyancha Maina**, a Kenyan citizen residing and working at Nakuru City and a registered Voter, sworn on the 11th November, 2017; and;

3. UPON considering the arguments made therein in which **the applicant contends that he was a Registered Voter, who cast his vote in the 26th October, 2017 repeat Presidential election; that he was not consulted by the petitioner before making the petition (No. 2 of 2017); the petition seeks and does violate his freedoms and rights; that grant of leave will enable him to ventilate, sustain, protect, promote, enforce and champion his freedoms and rights enshrined under the Constitution and the relevant law; and, that he strongly fears that unless he is enjoined in the present petition he stands to be violated as a voter in the event that the declared results are invalidated.**

4. The applicant has not demonstrated that he has an identifiable stake in the present petition neither has he demonstrated that he will be prejudiced if he is not enjoined as a party taking into account the issues he raises have already been addressed by the parties.

5. Having considered the application, by a unanimous decision of the Court, we find that the applicant does not qualify to be joined as an interested party and make the following orders under Rule 25 of the Supreme Court Rules as read with Rule 4(2) of the Supreme Court (Presidential Election Petition) Rules 2017.

6.

ORDERS	REASONS
The application is disallowed.	The application does not meet the principles laid out in <i>Trusted Society of Human Rights Alliance v Mumo Matemu & 5 Others</i> , Supreme Court Petition No. 12 of 2013, [2015] eKLR and <i>Francis Kariuki Muruatetu & another v Republic & 5 others</i> , Supreme Court Petition No. 15 & 16 of 2015 (consolidated); [2016] eKLR in that the applicant does not intend make submissions before the Court that are not already presented by the rest of the parties.

DATED and DELIVERED at NAIROBI this 14th Day of November, 2017.

.....

D. K. MARAGA

CHIEF JUSTICE & PRESIDENT

OF THE SUPREME COURT

.....

P. M. MWILU

DEPUTY CHIEF JUSTICE &

VICE-PRESIDENT OF THE SUPREME COURT

.....
J.B. OJWANG

JUSTICE OF THE SUPREME COURT
.....

S. N. NDUNGU

JUSTICE OF THE SUPREME COURT

.....
S. C. WANJALA

JUSTICE OF THE SUPREME COURT
.....

I. LENAOLA

JUSTICE OF THE SUPREME COURT

I certify that this is a true copy

of the original

REGISTRAR

SUPREME COURT OF KENYA



While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons 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](#)