



Otieno & 2 others v Hassan & 5 others (Petition 4 & 5 of 2013 (Consolidated)) [2013] KESC 17 (KLR) (25 March 2013) (Order)

GLADWELL WATHONI OTIENO & ANOTHER V AHMED ISSACK HASSAN & 3 OTHERS[2013]eKLR

Neutral citation: [2013] KESC 17 (KLR)

**REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA
PETITION 4 & 5 OF 2013 (CONSOLIDATED)
WM MUTUNGA, CJ & P, PK TUNOI, MK IBRAHIM,
JB OJWANG, SC WANJALA & N NDUNGU, SCJJ
MARCH 25, 2013**

BETWEEN

GLADWELL WATHONI OTIENO 1ST PETITIONER

ZAHID RAJAN 2ND PETITIONER

AND

AHMED ISSACK HASSAN 1ST RESPONDENT

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION 2ND RESPONDENT

UHURU KENYATTA 3RD RESPONDENT

WILLIAM SAMOEI RUTO 4TH RESPONDENT

**AS CONSOLIDATED WITH
PETITION 5 OF 2013**

BETWEEN

RAILA ODINGA PETITIONER

AND

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION 1ST RESPONDENT

AHMED ISSACK HASSAN 2ND RESPONDENT



UHURU KENYATTA 3RD RESPONDENT

WILLIAM SAMOEI RUTO 4TH RESPONDENT

Supreme Court declines to consider application by a non-party in the presidential election petition for failing to aid the trial process.

Reported by Moses Rotich

Held

It emerged that the supplicant did not have party status in any of the petitions. There was no impression that the supplicant's prayers will operate in aid of the trial process for the petitions before the court, which, it was apparent, had a clear urgency.

Orders

The prayers in question were not entertained, but remitted to the Registrar for appropriate orders on Tuesday, March 26, 2013 at 9.00 am.

Citations

Cases

None referred to

Statutes

None referred to

Advocates

None mentioned

ORDER

Two Prayers by Nazlin Umar

1. It emerges that the supplicant does not have party status in any of the petitions herein. We do not gain the impression that the supplicant's prayers will operate in aid of the trial process for the petitions before the court, which, it is apparent, have a clear urgency.
2. Consequently, we order that the prayers in question shall not be entertained now, but shall be remitted to the Registrar for appropriate orders on Tuesday, March 26, 2013 at 9.00 am.
3. Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 25TH DAY OF MARCH, 2013.

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W.M. MUTUNGA

CHIEF JUSTICE & PRESIDENT OF THE SUPREME COURT

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P.K. TUNOI

JUSTICE OF THE SUPREME COURT

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J.B. OJWANG
JUSTICE OF THE SUPREME COURT

.....

M.K. IBRAHIM
JUSTICE OF THE SUPREME COURT

.....

S.C. WANJALA
JUSTICE OF THE SUPREME COURT

.....

N.S. NDUNGU
JUSTICE OF THE SUPREME COURT

I certify that this is a true Copy of the original.

REGISTRAR
SUPREME COURT OF KENYA

