

REPUBLIC OF KENYA  
IN THE SUPREME COURT OF KENYA AT NAIROBI  
(CORAM: MUTUNGA CJ, TUNOI, IBRAHIM, OJWANG, WANJALA, NJOKI SCJ)

**PETITION NO. 3 OF 2013**

MOSES KIARIE KURIA .....1<sup>ST</sup> PETITIONER  
DENIS NJUE ITUMBI .....2<sup>ND</sup> PETITIONER  
FLORENCE JEMATIAH SERGON .....3<sup>RD</sup> PETITIONER

VERSUS

AHMED ISSACK HASSAN .....2<sup>ND</sup> RESPONDENT  
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION .....1<sup>ST</sup> RESPONDENT

**PETITION NO.4 OF 2013**

GLADWELL WATHONI OTIENO .....1<sup>ST</sup> PETITIONER  
ZAHID RAJAN .....2<sup>ND</sup> PETITIONER

VERSUS

AHMED ISSACK HASSAN .....2<sup>ND</sup> RESPONDENT  
UHURU KENYATTA .....3<sup>RD</sup> RESPONDENT  
WILLIAM SAMOEI RUTO .....4<sup>TH</sup> RESPONDENT

**PETITION NO. 5 OF 2013**

RAILA ODINGA .....PETITIONER

VERSUS

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION .....1<sup>ST</sup> RESPONDENT  
AHMED ISSACK HASSAN .....2<sup>ND</sup> RESPONDENT  
UHURU KENYATTA .....3<sup>RD</sup> RESPONDENT  
WILLIAM SAMOEI RUTO .....4<sup>TH</sup> RESPONDENT

## **RULING ON CONSOLIDATION**

1. We have considered the question of the possible consolidation of the three Petitions namely: Petitions 3, 4 and 5 of 2013. We have carefully considered the submissions by Counsel regarding this issue.
2. All these Petitions are in respect of the same Respondents with regard to one matter; the validity of the Presidential Election of 4th March 2013.
3. As we have indicated time is of the essence in the disposal of these Petitions which relate to matters that touch on great public interest and on the Constitution of Kenya which is the supreme law of the Land.
4. We agree with Counsel that Petition No. 3 of 2013 raises distinct and separate questions to be determined and is a stand alone Petition. However we note the need for expeditious disposal, the time constraints, pressure on the Court and many complex matters to be determined.
5. We are of the view that the three Petitions should be consolidated as one Petition. This means that Petition No. 3 of 2013 will be heard within the consolidated Petition and the questions therein determined without prejudice to the parties.
6. We hereby order the consolidation of the three Petitions.
7. The file for Petition No. 5 shall be deemed to be the Pilot file in which all proceedings shall be recorded and the final decision made therein.
8. The Petitioner in Petition No. 5 of 2013 shall be referred to as the 1<sup>st</sup> Petitioner. The Petitioners in Petition No. 4 of 2013 shall be jointly referred to as the 2<sup>nd</sup> Petitioner. The Petitioners in Petition No. 3 of 2013 shall be

jointly referred to as the 3<sup>rd</sup> Petitioner. The Respondents shall remain as in Petition No.5.

**Orders accordingly.**

**DATED and DELIVERED at NAIROBI this 25<sup>th</sup> 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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M.K. IBRAHIM  
JUSTICE OF THE SUPREME COURT

.....  
J.B. OJWANG  
JUSTICE OF THE SUPREME COURT

.....  
S.C. WANJALA  
JUSTICE OF THE SUPREME COURT

.....  
N.S. NDUNGU  
JUSTICE OF THE SUPREME COURT