

REPUBLIC OF KENYA

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

(Coram: Mutunga, CJ; Tunoi, Ibrahim, Ojwang, Wanjala, Ndungu SCJJ.)

CIVIL APPLICATION NO. 2 OF 2013

**APPLICATION BY MR. ALUOCH POLO ALUOCHIER FOR JOINDER
IN THE PETITIONS**

**IN THE MATTER OF ARTICLES 22, 138 AND 140 OF THE
CONSTITUTION
IN THE MATTER OF THE ALLEGED CONTRAVENTION OF ARTICLES
2, 10, 27, 77(2), 88, 99, 137 AND 148 OF THE CONSTITUTION**

**IN THE MATTER OF THE ALLEGED CONTRAVENTION OF SECTIONS
22, 23, 59
AND 72 OF THE ELECTIONS ACT**

**IN THE MATTER OF RULE 25(2) OF THE SUPREME COURT
(PRESIDENTIAL ELECTION PETITION) RULES, 2013
IN THE MATTER OF RULE 50 OF THE SUPREME COURT RULES, 2012**

BETWEEN

**ISAAC ALUOCH POLO ALUOCHIER
.....PETITIONER**

AND

**INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION1ST RESPONDENT
RT. HON. RAILA AMOLO ODINGA2ND RESPONDENT
HON. UHURU MUIGAI KENYATTA3RD RESPONDENT
HON. WYCLIFFE MUSALIA MUDAVADI4TH RESPONDENT
HON. PETER KENNETH5TH RESPONDENT
HON. STEPHEN KALONZO MUSYOKA6TH RESPONDENT
HON. WILLIAM SAMOEI RUTO7TH RESPONDENT
ORANGE DEMOCRATIC MOVEMENT8TH RESPONDENT
THE NATIONAL ALLIANCE9TH RESPONDENT
UNITED DEMOCRATIC FORUM PARTY10TH RESPONDENT
KENYA NATIONAL CONGRESS11TH RESPONDENT**

AHMED ISSACK HASSAN	12TH RESPONDENT
LILIAN BOKEEYE MAHIRI-ZAJA	13TH RESPONDENT
AMB. YUSUF A. NZIBO	14TH RESPONDENT
MOHAMED ALAWI HUSSUIN	15TH RESPONDENT
ENG. ABDULLAHI M. SHARAWE	16TH RESPONDENT
THOMAS LETANGULE	17TH RESPONDENT
J. MUTHONI WANGAI	18TH RESPONDENT
ALBERT CAMUS ONYANO BWIRE	19TH RESPONDENT
KULE GALMA GODANA	20TH RESPONDENT

APPLICATION BY MR. ALUOCH POLO ALUOCHIER FOR JOINDER IN THE PETITIONS

RULING

[1] After giving this application due consideration, we have come to the conclusion that it cannot be allowed at this stage. While we have a commitment to hear and determine the three petitions on the basis of which the Court has been moved, time is of the essence – and judicial notice is to be taken of this fact. In our assessment of the present setting for the resolution of the issues before us, the belated application now being brought can only cause unnecessary delay. Accordingly, we hereby disallow the application.

[2] There shall be no order as to costs.

DATED and DELIVERED at NAIROBI this 25th day of March, 2013.

.....
W.M. MUTUNGA
CHIEF JUSTICE & PRESIDENT
OF THE SUPREME COURT

.....
P.K. TUNOI
JUSTICE OF THE SUPREME COURT

.....

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

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

**REGISTRAR
SUPREME COURT OF KENYA**