

REPUBLIC OF KENYA
IN THE SUPREME COURT F KENYA AT NAIROBI
PETITION NO. 17 OF 2017

KHELEF KHALIFA1ST PETITIONER
SAMWELL M. MUHOCHI2ND PETITIONER
GACHEKE GACHIHI3RD PETITIONER

VERSUS

THE CHAIRPERSON OF
INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION.....1ST RESPONDENT

INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION.....2ND RESPONDENT

Wednesday 25th October, 2017

10.00 a.m.

Coram: Maraga, CJ & P

Court Clerk: Kevin

Dr. Khaminwa - for Petitioners
Mr. Ndubi

Peter Wanyama - 1st Respondent

Paul Muite, Kamau Karori
Paul Nyamodi and Mahat Somane -2nd Respondent

Githu Muigai, SC - Interested Party

Fred Ngatia, Kimani Kiragu, Katwa Kigen Ken Ogetto, Melissa Ngania, Tom Macharia	- Interested Party (Uhuru Kenyatta)
Ignatius Muhatia, Elias Mutuma	- Interested Party (Ekuru Aukot)
Paul Kiragu Wathuta	- Interested Party (Japheth Kaluyu)
James Orenge, Paul Mwangi, Prof. Sihanya, Nelson Havi, Dan Maanzo, Jackson Awele and Julie Soweto	- Interested Party (Raila Odinga)

ORDER BY PRESIDENT OF THE COURT

Regrettably and with due apologies to all the parties, this matter cannot proceed to hearing as earlier scheduled for the following reasons:

1. Following the events of last night which are in the public domain, the Hon. the Deputy Chief Justice and Deputy President of the Court is not in a position to attend court.
2. The Hon. Justice Ibrahim is out of the country for treatment.
3. The Hon. Justice Ojwang and Wanjala are not able to come to court.
4. Hon. Justice Njoki Ndungu is out of Nairobi and has been unable to get a flight back to Nairobi in time for the hearing of this matter.
5. That leaves Justice Lenaola and I as the only Judges present.

6. As the two of us cannot form a quorum under Article 163(2) of the Constitution, this matter cannot be heard today. It is accordingly adjourned to a date to be taken at the registry.

Dated this 25th day of October, 2017.

**HON. JUSTICE D.K. MARAGA
CHIEF JUSTICE & PRESIDENT OF
THE SUPREME COURT OF KENYA**

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

**DEPUTY REGISTRAR
SUPREME COURT OF KENYA**