

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

15 APR 2015

1-25  
Mithon  
Wjeki

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. 606 OF 2011 *IP*

14 APR 2015

**IN THE MATTER OF THE ENFORCEMENT OF THE BILL OF RIGHTS  
UNDER ARTICLE 22(1) OF THE CONSTITUTION OF KENYA 2010**

**AND**

**IN THE MATTER OF THE ALLEGED CONTRAVENTION OF ARTICLES 19,  
20,21,28,29,31,33,35,43, AND 46 OF THE CONSTITUTION OF KENYA  
2010**

**BETWEEN**

L.A.W.....1<sup>ST</sup> PETITIONER  
KENYA LEGAL AND ETHICAL ISSUES NETWORK ON  
HIV & AIDS (KELIN).....2<sup>ND</sup> PETITIONER  
AFRICAN GENDER AND MEDIA  
INITIATIVE.....3<sup>RD</sup> PETITIONER

**-VERSUS-**

MARURA MATERNITY & NURSING HOME.....1<sup>ST</sup> RESPONDENT  
COUNTY EXECUTIVE COMMITTEE MEMBER  
IN CHARGE OF HEALTH  
SERVICES-NAIROBI COUNTY.....2<sup>ND</sup> RESPONDENT  
CABINET SECRETARY,  
MINISTRY OF HEALTH.....3<sup>RD</sup> RESPONDENT

**AND**

PRICEWATERHOUSE  
COOPERS.....1<sup>ST</sup> INTENDED INTERESTED PARTY  
PROJECT MANAGER  
OBA-RH.....2<sup>ND</sup> INTENDED INTERESTED PARTY

NOTICE OF MOTION

Section 1A, 1B, 3A of the Civil Procedure Act Cap 21 Laws of  
Kenya and all other enabling provisions of the Law)

**TAKE NOTICE** that this Honorable Court will be moved on the  
day of 2015 at 9.00 o'clock or soon thereafter so as  
Counsel for the 1<sup>st</sup> Respondent/Applicant may be heard on an application  
for **ORDERS:-**

1. **THAT** the Respondent/Applicant be granted leave to join Pricewater House Coopers and OBA-RH as interested parties
2. **THAT** the costs of this Application be provided for.



*Belice*  
*843211*



**WHICH APPLICATION** is based on the following grounds: -

- a) **THAT** the 1<sup>st</sup> Respondent with respect to the subject matter herein acted as an independent contractor of the intended interested parties.
- b) **THAT** the 1<sup>st</sup> Petitioner approached the 1<sup>st</sup> Respondent based on the advice and assessment of the intended interested parties.
- c) **THAT** the 1<sup>st</sup> Respondent will seek indemnity and/or contribution from the intended interested parties for any monies that may be found to be due from the 1<sup>st</sup> Respondent to the Petitioners.
- d) **THAT** it is in the interests of justice that the intended interested parties be joined to facilitate the final and effectual determination of the issues arising in this Petition.

**AND WHICH APPLICATION** is further grounded on the annexed Affidavit of **SOPHIA WANJIKU** and on such other or further grounds as may be adduced at the hearing hereof.

**DATED** at **NAIROBI** this

13<sup>th</sup>

day of

April

2015.

**OJIENDA & CO. ADVOCATES**

**ADVOCATES FOR THE 1<sup>ST</sup> RESPONDENT/APPLICANT**

DRAWN & FILED BY:

OJIENDA & CO. ADVOCATES

UHURU HIGHWAY

VIEW PARK TOWERS

2<sup>ND</sup> FLOOR

P.O. BOX 17245 - 00100

**NAIROBI**

TO BE SERVED UPON

TO BE SERVED UPON: -

1. PRICEWATER HOUSE COOPERS  
**Nairobi**

2. ALLAN ACHESA MALECHE

KELIN,

KINDARUMA ROAD, OFF NGONG ROAD, KILIMANI

P.O BOX 43046 - 00100,

**NAIROBI.**