



**REPUBLIC OF KENYA**

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

**MISCELLANEOUS CIVIL APPLICATION NO. 126 OF 2015**

**IN THE MATTER OF THE ARBITRATION ACT NO. 4 OF 1995**

**AND**

**IN THE MATTER OF THE KENYAN PREMIER LEAGUE CONSTITUTION**

**AND**

**IN THE MATTER OF ARBITRATION ON AN ARBITRATION**

**AND**

**IN THE INDEPENDENT DISCIPLINARY AND COMPLAINTS COMMITTEE**

**BETWEEN**

**EUGINE AMBUCHI ASIKE.....PLAINTIFF/APPLICANT**

**VERSUS**

**SOFAPAKA FOOTBALL CLUB**

**KENYAN PREMIER LEAGUE.....DEFENDANT/RESPONDENTS**

**RULING**

1. Before me is a notice of motion dated 24<sup>th</sup> March, 2015. The motion is brought under Articles 27(1), 28, 36 (1) and (2) 41(1), (2)(a) and (b), 43 (1) of the Constitution of Kenya, Section 1A, 2A, and 3A of the Civil Procedure Rules, Section 36 of the Arbitration Act, 1995 and Rule 6 of the Arbitration Rules, 1997, Article 33, 34 and 39 of the Kenyan Premier League Constitution. The Plaintiff seeks the following orders:-
  - i. That the Plaintiff be granted leave to enforce the final awards made on 20<sup>th</sup> January, 2015 by the Independent Disciplinary and Complaints Committee chaired by Professor Migai Akech, Advocate as a decree of this court.
  - ii. That on the strength of the said ruling by the Independent Disciplinary and Complaints Committee, the contract in issue which was terminated by the Plaintiff on 5<sup>th</sup> January, 2015, be confirmed as terminated on 5<sup>th</sup> January, 2015 and the Plaintiff be declared a free agent and/or be freed from contractual obligations with the 1<sup>st</sup> Defendant and be allowed to train with any other team he so wishes to, within and outside the Republic of Kenya pending inter parties hearing of

this application.

2. It was averred that the Parties herein submitted themselves to the jurisdiction of the Disciplinary Committee of Kenya Premier League following a dispute between the parties. The Committee issued a ruling on 20<sup>th</sup> February, 2015 which ruling the Plaintiff alleges that the Respondents have refused to comply with, occasioning this application.
3. I have given due consideration to the depositions herein. The decision of the Committee was to the effect that the 1<sup>st</sup> Respondent do issue the Plaintiff with a letter releasing him from all contractual obligations and engagements by the 27<sup>th</sup> February, 2015 and the 2<sup>nd</sup> Respondent does ensure compliance by the 1<sup>st</sup> Respondent with the orders and directions from the Independent Disciplinary and Complaints Committee. Considering that there is no means of enforcing the order of the Committee in the Committee's constitution, the Plaintiff has properly approached this court. Despite being served with this application, the Respondents have failed to respond to it in any manner. The facts herein are therefore uncontroverted. That being so, I allow the application as prayed.

Dated, Signed and Delivered in open court this 22<sup>nd</sup> day of April, 2015.

J. K. SERGON

**JUDGE**

In the presence of:

.....for the Plaintiff

.....for the Defendant