

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Misc Appli 921 of 2006

SAMINA ESMAIL & 2 OTHERS.....PLAINTIFFS

VERSUS

KENYA BRIDGE AFRICAN LTD & 5 OTHERS.....RESPONDENTS

RULING

This is an application by the three applicants for leave to bring a representative suit. The application is expressed to be brought under Order 1 Rule 1 and 8(1) and (2) Order L Rule I of the Civil Procedure Rules and Section 3A of the Civil Procedure Act.

Order 8 Rule 1 provides that where there are numerous persons having the same interest in one suit, one or more of such persons may sue or be sued or may be authorized by the court to defend in such a suit, on behalf of or for the benefit of all persons so interested. The applicants are officials of the Kenya Bridge Association namely Chairperson, Vice Chairperson and Treasurer respectively.

The application is based on the grounds that the Kenya Bridge

Association is a society exempted from registration by virtue of a certificate of Registration Number 1342 dated 18th June 1963; that being such a society exempt from registration the Kenya Bridge Association is unincorporated body and it is not established under any statute and that being of such a nature is not a legal entity and can therefore not sue or be sued in its name without leave of the court.

Mr. Akoto for the applicants submitted that the applicant had sought and obtained authority to sue from the other members of the society who have appended their signatures on the said letter of authority dated 18th November 2006.

The applicants having satisfied the statutory requirements under the provisions of the Civil procedure Rules, their application is granted in terms of prayers 2, 3 and 4 of the Notice of Motion dated 19th December 2006.

Dated and delivered at Nairobi this 9th day of February 2007.

J.L.A. OSIEMO

JUDGE