



**Republic v Sports Disputes Tribunal; Board of Directors, Kenya Rugby Union (Exparte Applicant); Mutai & another (Interested Parties) (Judicial Review Miscellaneous Application E033 of 2025) [2025] KEHC 3623 (KLR) (Judicial Review) (24 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3623 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E033 OF 2025  
RE ABURILI, J  
MARCH 24, 2025**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**SPORTS DISPUTES TRIBUNAL ..... RESPONDENT**

**AND**

**BOARD OF DIRECTORS, KENYA RUGBY UNION ..... EXPARTE APPLICANT**

**AND**

**ALEXANDER KIPLAGAT MUTAI ..... INTERESTED PARTY**

**KENYA RUGBY UNION ..... INTERESTED PARTY**

**RULING**

1. The applicants are appearing exparte in the first instance. They seek for interim orders under certificate of urgency and filed vide application dated 20<sup>th</sup> March 2025, for stay of any proceedings in the Sports Disputes Tribunal.
2. Mr. Hansen counsel for the applicants argues in support of the certificate of urgency and the prayer for stay, that the union is scheduled to meet this afternoon and that the orders sought to be set aside or quashed, were made respectively order 4, when it was not among the prayers sought in the application dated 12/3/2025 before the Sports Disputes Tribunal.



3. The order bars all motion for the removal of any Board member in the AGM slated for 24/3/2025 and directs that such motion shall not form part of the Agenda for that meeting, pending mediation process.
4. The mediation process, on the other hand, the timelines given go beyond the date for the AGM.
5. I have considered the application exparte in the first instance, and the arguments by Mr. Hansen. I have also perused the Notice of Motion dated 12/3/2025 as filed before the Sports Disputes Tribunal.
6. Prayer No. 3 seeks a temporary injunction restraining the Respondent from presenting a motion of no confidence against the appellant to members of the Kenya Rugby Union and or its affiliates at the 2025 Kenya Rugby Union Annual General Meeting.
7. The Acting Chairperson of the Sports Disputes Tribunal Hon. Njeri Onyango ordered that all motions for the Removal of any of the Board members in the Annual General Meeting slated for 24<sup>th</sup> March 2025 shall not form part of the Agenda for that meeting pending the mediation process. It is not claimed that the Tribunal had no jurisdiction to refer the dispute for mediation.
8. In addition, the applicant has not annexed any evidence to show that apart from the Notice of Motion of no confidence against Mr. Alexander Kiplagat Mutai seeking to remove him from office as Chairman of Kenya Rugby Union, there was any other motion.
9. It follows that the acting Chairperson in using the term – “all motions” cannot be interpreted to mean that she was acting outside the prayers sought. This is because the only motion shown to this court is that for the removal of the Chairman filed or issued by the Homeboyz Rfc Mr. Oscar Mango and it refers to the person of Mr. Alexander Kiplagat Mutai.
10. To set aside the order by the Acting Chairman Sports Disputes Tribunal without first understanding all the circumstances giving rise to that order, and in view of absence of evidence of any other motion given to the Secretary of the Union will be substituting the decision of the Tribunal with this court’s own decision before hearing all the parties involved, noting that both parties were represented on the date that the order in question was made and there is nothing to show that an application was made before the Acting Chairperson, to review that order.
11. I therefore decline to suspend or set aside that order before hearing all the parties involved. Furthermore, a Notice of Motion of no confidence in the leadership of the Union can be raised at any time and can be considered as a Special Matter for a special AGM called by members.
12. The applicant is directed to serve the Respondents with the application for consideration inter partes. Directions shall be given on 7/04/2025.
13. I so order.

**DATED, SIGNED AND DELIVERED AT NAIROBI VIRTUALLY THIS 24<sup>TH</sup> DAY OF MARCH, 2025**

**R.E. ABURILI**

**JUDGE**

**2| JR NO. 033 OF 2025 RULING**

