



**Korir & another v Galaxy United FC; FKF Nyamira County
Branch & 49 others (Intended Interested Party) (Civil Appeal
E185 of 2025) [2025] KEHC 8210 (KLR) (Civ) (12 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8210 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL E185 OF 2025

AC MRIMA, J

JUNE 12, 2025

BETWEEN

PATRICK KORIR 1ST APPELLANT

COLLINS OPIYO 2ND APPELLANT

AND

GALAXY UNITED FC RESPONDENT

AND

**FKF NYAMIRA COUNTY BRANCH & 49 OTHERS INTENDED
INTERESTED PARTY**

RULING

1. The main appeal in this matter revolves on whether the Sports Tribunal has the jurisdiction to determine the dispute which was lodged by Galaxy United FC, the Respondent herein. The appeal is still pending.
2. This ruling is, however, in respect of a Notice of Motion dated 16th April 2025 seeking the joinder of the FKF Nyamira County Branch & 49 Others which include 38 Football Clubs allegedly operating within the said Nyamira County. The application was supported by two affidavits sworn by one Richard Mabuka Obiero, the Chairman of FKF Nyamira North Sub-County on 16th April 2025 and 20th May 2025 respectively. The Applicants also filed written submissions in urging this Court to allow the application.
3. The application was opposed by the Appellants through a Replying Affidavit sworn by Collins Opiyo, the 2nd Appellant herein, on 13th May 2025. Written submissions were also filed.



4. Given the nature of the application, this Court will not, at this point, necessarily reproduce verbatim the respective parties' dispositions and submissions. However, the Court shall take the contents thereof into account in the course of this discussion.
5. As the application is on joinder of interested parties, the starting point will be the law on the subject. Needless to say, the parties have already properly captured the correct legal position on the subject matter.
6. Rule 2 of *The Constitution* of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013 (hereinafter referred to as 'the Mutunga Rules') define an 'interested party' to mean: -
 - a person or entity that has an identifiable stake or legal interest or duty in the proceedings before the Court but is not a party to the proceedings or may not be directly involved in the litigation;
7. The Supreme Court in *Trusted Society of Human Rights v Mumo Matemu & 5 others* [2014] eKLR observed as follows: -

... an interested party is one who has a stake in the proceedings though he or she was not party to the cause ab initio. He or she is one who will be affected by the decision of the Court when it is made, either way. Such a person feels that his or her interest will not be well articulated unless he himself or she herself appears in the proceedings, and champions his or her cause.
8. Later, the Supreme Court further delimited the legal principles applicable in joinder applications. That was in *Petition No. 1 of 2017 Raila Amolo Odinga & another v Independent Electoral and Boundaries Commission & 2 others & Michael Wainaina Mwaura (as Amicus Curiae)* [2017] eKLR and in *Petition No. 15 as consolidated with Petition No. 16 of 2013 Francis Kariuki Muruatetu & Another v Republic & 5 others* [2016] eKLR.
9. In the *Francis Kariuki Muruatetu* case [supra], the Supreme Court identified the following applicable conditions, and, stated as follows: -

.... One must move the Court by way of a formal application. Enjoinment is not as of right, but is at the discretion of the Court; hence, sufficient grounds must be laid before the Court, on the basis of the following elements:

 - i. The personal interest or stake that the party has in the matter must be set out in the application. The interest must be clearly identifiable and must be proximate enough, to stand apart from anything that is merely peripheral.
 - ii. The prejudice to be suffered by the intended interested party in case of non-joinder, must also be demonstrated to the satisfaction of the Court. It must also be clearly outlined and not something remote.
 - iii. Lastly, a party must, in its application, set out the case and/or submissions it intends to make before the Court, and demonstrate the relevance of those submissions. It should also demonstrate that these submissions are not merely a replication of what the other parties will be making before the Court.
10. Apart from the three principles developed by the Supreme Court, Rule 2 of the Mutunga Rules clarifies that a party seeking to be enjoined as an interested party ought to demonstrate that he/she/it has an identifiable stake or legal interest or duty in the proceedings before the Court.



11. Deriving from the foregoing, the following conditions are relevant in the consideration of joinder applications: -
 - i. The party intending to be enjoined has an identifiable stake which is proximate enough and not merely peripheral.
 - (ii) The party has a clear legal interest in the matter.
 - (iii) The party has a defined duty in the proceedings.
 - (iv) The party is not directly involved in the litigation. In other words, the party is not one of the main parties in the proceedings that is either as a Petitioner or a Respondent.
 - (v) The party will be affected by the decision of the Court when it is made, either way.
 - (vi) The party demonstrates that his or her or its interest will not be well articulated unless he himself or she herself or itself appears in the proceedings, and champions the cause. Differently put, the party must demonstrate that it stands to be prejudiced if it does not take part in the proceedings.
 - (vii) The party should not expand the prevailing cause of action or introduce a new cause of action.
12. This Court will now apply the foregoing considerations to the application at hand. As stated above, the issue pending determination in this appeal is a pure point law on whether the Sports Tribunal is seized of the requisite jurisdiction to hear and determine the dispute before it. However, the Applicants seem not to have really understood the gist of the matter. It is so said because they intend to litigate a ray of fresh matters including calling of witnesses to testify. Clearly, their intended approach is misconceived since, if enjoined, they will expand the appeal beyond the parameters set by the principal parties. The appeal herein is straight-forward and simple; it is to ascertain whether the Tribunal has jurisdiction over the dispute.
13. This Court is, therefore, not satisfied that the intended interested parties will add any value in these proceedings. Whereas they may participate in the dispute before the Tribunal, in the event the appeal is disallowed and the Tribunal allows their joinder and the Tribunal may even possibly receive evidence, the position is different before this Court.
14. As this Court comes to the end of this ruling, it is apparent that the main dispute before the Tribunal is on the sports leadership within Nyamira County. Since sports is a source of livelihood to those endowed with the requisite skills and talents, any dispute on the manner sports are managed must be determined expeditiously. To that end, despite the pendency of an earlier application by way of Notice of Motion dated 20th March 2025, this Court will give appropriate directions on the hearing of the main appeal more so since the Sports Tribunal file has been availed to this Court.
15. Flowing from the above, it is this Court finding and holding that the application for joinder is unmerited. In the end, the following final orders do hereby issue: -
 - a. The Notice of Motion dated 16th April 2025 filed by the intended interested parties is hereby dismissed with costs.
 - b. The appeal shall be heard and determined by way of written submissions and the filing of a Record of Appeal is hereby dispensed with.
 - c. The Appellants shall file and serve written submissions within 14 days of this ruling and upon service, the Respondent will file and serve its written submissions within 14 days of service.



- d. Highlighting of submissions on a date to issue. For clarity, the Notice of Motion 20th March 2025 shall be determined alongside the main appeal.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 12TH DAY OF JUNE, 2025.

A. C. MRIMA

JUDGE.

Ruling virtually delivered in the presence of:

Mr. Odhiambo, Learned Counsel for the Appellants/Respondents.

Mr. Korir, Learned Counsel for the Applicant.

Amina/Abdirazak – Court Assistants.

