



REPUBLIC OF KENYA



**Ngoge v Advanced Gaming Limited (Miscellaneous Civil Application
1086 of 2023) [2024] KEHC 8790 (KLR) (Civ) (15 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8790 (KLR)

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

CIVIL

MISCELLANEOUS CIVIL APPLICATION 1086 OF 2023

JN MULWA, J

JULY 15, 2024

BETWEEN

GEOFFREY OMWANDO NGOGE APPLICANT

AND

ADVANCED GAMING LIMITED RESPONDENT

RULING

1. By a motion dated 16/11/2023 the Applicant Geoffrey Omwando Ngoge sought Orders against the Respondent Advanced Gaming Limited under Section 4 of the *Betting Lotteries and Gaming Act* Cap 131 Laws of Kenya and Article 165 (6) of the *Constitution* that:-
 1. Spent
 2. That the Honourable Court be pleased to adopt as a judgment of this court, the judgment of the Betting Control and Licensing Board dated 9/10/2023 against the respondent.
2. The motion is supported by an affidavit sworn by the Applicant on 16/11/2023 and grounds stated at its face.
3. Despite being granted leave to respond to the motion upon filing a Notice of Appointment of Advocates dated 19/01/2024 the Respondent has failed to file any such response leaving the application as unopposed.
4. The judgment of the Betting Control and Licensing Board (The Board) is dated 9/10/2023. It is for a sum of Kshs. 2,324,641.16/=at the applicant's supporting affidavit as seen from the betting slip – annexure No. GON – 1



5. The Appeal against the board's decision is also annexed as GON – 2. It is dated 10/08/2023 and the certified copy of the ruling annexed as GON – 3.

6. The Boards decision reads as a directive that:-

“ The 1XBET pay the complainant Geoffrey omwacho Ngoge of Telephone No. 0727943349 Kshs. 2,324,641.16 he won and accumulated in betting account while playing on your betting platform subject to statutory deductions”

7. The Betting and Lotteries Regulatory Act and Gaming of Kenya is a regulatory body established under Chapter 131 Laws of Kenya. It provides for the control and Licensing of Betting and Gaming premises and activities carried in the country including authorization of Public Lotteries and price competition and eradication of illegal gambling.

8. It is a body exercising quasi-judicial functions and therefore under the 2010 Constitution Article 165 (c), the High Court has supervisory jurisdiction over the said Board. Article 167 (d) empowers this court to call for the records of the Board and make any orders and directions appropriate for the fair administration of justice.

9. It has been argued by the Applicant that the Board's decision that directed the Respondent to pay to the Respondent the sum stated has not been appealed from and therefore has urged this court under its supervisory roles to order payment of the same to the Applicant with costs and interest.

10. Article 165 (7) of the Constitution grants the High Court supervisory jurisdiction over subordinate courts over any person, body or authority exercising a juridical or authority referred to in clause (6) and may call for the record of any proceeding and may make any order or give directions it considers appropriate to ensure the fair administration of justice.

11. I have considered the Board's directions in terms of its judgment and find no appeal lodged therefrom. I am therefore clothed with the necessary jurisdiction by the Constitution to find and hold that the judgment and/or directions of the Board dated 9/10/2023 directed to the Respondent Advanced Gaming Limited are hereby adopted as a judgment of this court and capable of being enforced against the Respondent.

The said judgment is thus to be executed against the Respondent under the Civil Procedure Rules 2010 and amended in 2020 on execution of Judgment.

The motion dated 16/11/2023 is therefore allowed with no orders on costs.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15TH DAY OF JULY, 2024.

JANET MULWA

JUDGE

