



**Mwige v Embu Golf & County Club & 2 others; Kenya Golf Union
(Interested Party) (Judicial Review Miscellaneous Application E151 of 2025)
[2025] KEHC 18767 (KLR) (Judicial Review) (19 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18767 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E151 OF 2025
RE ABURILI, J
DECEMBER 19, 2025**

BETWEEN

KENNETH NYAGA MWIGE APPLICANT

AND

EMBU GOLF & COUNTY CLUB 1ST RESPONDENT

DAVID NJUGUNA NJOROGE 2ND RESPONDENT

PENINAH MAKENA MWENDWA 3RD RESPONDENT

AND

KENYA GOLF UNION INTERESTED PARTY

RULING

1. On 17/11/2025, this court, in this matter, granted the applicant herein, Mr. Kenneth Mwige, leave to apply for Judicial Review orders as sought in the chamber summons dated 14/11/2025. The applicant is acting pro se.
2. The applicant had also sought that leave is granted do operate as stay of the alleged summary expulsion of the applicant from the 1st Respondent Embu Golf and Country Club, pending the hearing and determination of the substantive notice of motion.
3. The court however declined to grant stay in view of the fact that the date that was given for which status quo was being sought to be maintained was a future date which was 20/11/2025. The court nonetheless gave the applicant the liberty to apply for stay in the main motion.



4. Vide a notice of motion dated 15/12/2025 and filed in court on 16/12/2025 under certificate of urgency, the applicant is back to court in this same matter seeking enlargement of time within which to file the substantive motion and for the stay orders.
5. In other words, the applicant did not file the main motion within the 21 days granted on 17/11/2025 and in addition, he has corrected the error on the date.
6. The reasons for the delayed compliance with the timelines are that he got busy as the Director General of Kenya Vision 2030 and that he also got ill. Thirdly, that he is acting in person and that having noticed the error on the date, which made the court not to grant him stay, he wrote to the Deputy Registrar seeking correction of the error through the slip Rule as the error was a typo but that he got no response hence the delay and the application herein.
7. The motion was before me on 17/12/2025 and I certified it as urgent and directed the applicant to appear today and argue his application.
8. I have heard the applicant in person and perused the notice of motion, grounds and supporting affidavit.
9. I am satisfied that the delay in filing of the substantive motion is not inordinate and neither was it deliberate. On my own authority in *Multiline Services Limited vs Nairobi City Country Government* in Judicial Review application No. E042/2025,
10. I exercise discretion and extend the time for the applicant to file his substantive notice of motion by another 21 days of today, and the 21 days shall be inclusive of the period between 21st December 2015 and 13th January, 2026.
11. On whether the leave to apply as extended by this Ruling should operate as stay of the expulsion of the applicant from the membership of the Embu Gold & Country Club, I have perused the supporting affidavit in which the applicant alleges that his right to fair administrative action was violated as he was expelled without reason for such expulsion and without any notice.
12. That as a long serving and fully paid-up member of the 1st respondent Club and its affiliate clubs, he stands to suffer irreparably especially during these festive holidays when he needs to host his family in the Club and to also host Government dignitaries.
13. Notably, that tomorrow 20/12/2025, the applicant is to host the Cabinet Secretary for Public Service at the Club which is in his home constituency. Stay sought is intended to preserve the status quo before the applicant was allegedly expelled from the club.
14. Having considered all the above, I am persuaded that unless the stay sought is granted, the intended substantive motion shall be rendered nugatory if successful and the applicant stands to suffer prejudice of being excluded from the 1st respondent Club for a long period of time before his application is finally heard and determined noting that today is the last day of this term until 15/1/2026.
15. In the circumstances, I allow the prayer for stay sought. I review the orders of 17/11/2025 and order that there shall be stay of expulsion of the applicant from the membership of the Embu Golf and Country Club by the Respondents herein on 20/10/2025 and that the applicant's membership and access to the said Club and its affiliate clubs is hereby restored forthwith until the substantive motion once filed is heard and determined inter-partes.
16. The main motion to be filed in a fresh main Judicial Review file. Costs if any, shall be in the substantive motion.



17. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 19TH DAY OF DECEMBER, 2025

R.E. ABURILI

JUDGE

