

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
JUDICIAL REVIEW DIVISION

JUDICIAL REVIEW APPLICATION NO. E427 OF 2025

VETLAB SPORTS CLUB 1ST *EX-PARTE* APPLICANT
ALLAN AZEGELE 2ND *EX-PARTE* APPLICANT
JOHN KARIUKI 3RD *EX-PARTE* APPLICANT
ERIC KARUGA 4TH *EX-PARTE* APPLICANT
CAROLINE MUGUKU 5TH *EX-PARTE* APPLICANT
JOYCE WAMUCHI 6TH *EX-PARTE* APPLICANT
RACHEL NDEI 7TH *EX-PARTE* APPLICANT
SHITUL SHAH 8TH *EX-PARTE* APPLICANT
BONIFACE MUNGAI 9TH *EX-PARTE* APPLICANT
ELIZABETH NGETHE 10TH *EX-PARTE* APPLICANT

-VERSUS-

SPORTS DISPUTES TRIBUNAL 1ST RESPONDENT

JARED OUKO 2ND RESPONDENT

BEATRICE KAMAU 3RD RESPONDENT

JUDGMENT

1. In this matter, it is important to clarify that, although the substantive motion was commenced by way of Originating Motion, the applicant first sought leave to apply under Order 53 of the Civil Procedure Rules and sections 8 and 9 of the Law Reform Act. After leave was granted, instead of filing the substantive Notice of motion, the applicant filed an Originating motion. This Court therefore treats that as a curable defect as it relates to form. Ordinarily, originating Motions are instituted initiating judicial review proceedings initiated pursuant to the Fair Administrative Act and Rules, 2024. Rule 11 of the Fair Administrative Action Rules,

2024 provides that ***(1) An application for judicial review shall be by way of an originating motion accompanied by a supporting affidavit.***

2. Therefore, before this Court for determination is an *Originating Motion* dated 29th December 2025 and filed pursuant to leave granted on 10th December 2025 in *Milimani HCJR No. E395 of 2025*. It is premised on **Article 165 (6) of the Constitution, Section 8 of the Law Reform Act, Part I-III of the Fair Administrative Action Act No. 17 of 2015, Order 53 Rule 1 (2) of the Civil Procedure Rules** and all other enabling provisions of the law.

3. The *ex-parte* Applicants seek the following ORDERS: -

(1) Spent

(2) That this Honourable Court be pleased to grant Orders of Certiorari to remove into and quash the decision and/or orders of the 1st Respondent issued on 5th December 2025 in SDTSC No. E080 of 2025 Jared Ouko Olang'o and Another vs. Allan Azegele & 9 Others for having been made without legal authority.

(3) That this Honourable Court be pleased to grant Orders of Mandamus compelling the 1st Respondent to strike out the 2nd and 3rd Respondents' Applications and Memorandum of Appeal dated 16th October 2025 for lack of jurisdiction.

(4) That this Honourable Court be pleased to issue an Order of Prohibition, permanently injuncting the 1st Respondent from

entertaining, hearing and determining disputes emanating from the 1st ex-parte Applicant, Vetlab Sports Club, until the 1st Applicant is registered under the Sports Act.

(5) That the Honourable Court do grant any other or further relief that it may deem fit to grant.

(6) That the costs of this Application be in the cause.

4. The Application is predicated on the grounds set out in the Statutory Statement also dated 29th December 2025 and the Verifying Affidavit sworn by **Shitul Shah** on the even date.
5. The applicants' case is that the 1st Respondent made a determination *inter alia* that it has proper jurisdiction to hear and determine appeals by members of the 1st ex-parte Applicant despite the 1st ex-parte applicant not being a registered sports organisation under the Sports Act, including disputes relating to internal board governance disputes of a private members' club which is not a registered sports organisation.
6. The ex-parte applicants aver that the suspension of the 2nd and 3rd Respondents should be lifted for being un-procedural and that they be reinstated to their elected positions. That in making its determination, the 1st Respondent conferred upon itself jurisdiction to determine the dispute before it and improperly considered extraneous material that was neither placed before it nor included within the pleadings of either party.

7. It is their case that by relying on information outside the established record, the tribunal/1st Respondent deprived the *ex-parte* Applicants of a fundamental opportunity to review, challenge, or respond to the substance of that evidence which is a procedural irregularity that contravened the principles of natural justice and fair hearing, and vitiated the fairness and integrity of the adjudicative process.
8. The *ex-parte* Applicants also contend that the determination by the 1st Respondent was rendered in a manner that was procedurally flawed and unjust and that the 1st Respondent conferred itself jurisdiction over disputes emanating from the 1st *ex-parte* Applicant based on an amended constitution which it expressly conceded was only availed to it by the 2nd and 3rd Respondents, on 14th November 2025, but not filed within this suit, and which documents the alleged consents to and/or submits the 1st *ex-parte* Applicant to the jurisdiction of the 1st Respondent. That consequently, the 1st Respondent, misdirected itself by conferring jurisdiction upon itself while relying on a constitution made after the filing of the suit on 16th October 2025 and therefore improperly arrogated itself jurisdiction which it did not have as at the date of filing of the suit.
9. The *ex-parte* Applicants aver that the High Court, whose decisions bind the 1st Respondent, has affirmed that for the Tribunal/1st Respondent herein to assume jurisdiction, the dispute must not only be sports-related but must also involve an entity duly recognized as a sports organization within the

meaning of the Act. That as such, such an entity must be registered by the Registrar of Sports and issued with a valid certificate of registration.

10. Additionally, the *ex parte* applicants aver that binding precedence has further affirmed that statutory provisions essentially governing the Tribunal and sport entities, strictly places a prohibition on any body purporting to operate as a sports organization without prior registration, yet the 1st Respondent herein blatantly and without regard to the law and binding principles, conferred itself jurisdiction over a body not registered and/or recognized as a sporting entity within the meaning of the Sports Act.
11. It is asserted that following delivery of the ruling on 5th December 2025, the *ex-parte* Applicant Applicants sought to be supplied with a copy of the full ruling in order to discern the reasons behind the Tribunal's determination and the 1st Respondent's Deputy Chairperson in conduct of the appeal, directed that the full ruling shall be availed and uploaded on the Court Tracking System on 5th December 2025. However, that despite these directions, the same is yet to be availed to the *ex-parte* Applicants, who have through their Counsel written to the 1st Respondent vide letters dated 5th December 2025 and 9th December 2025 in vain.
12. The *ex-parte* Applicants aver that it was only on 9th December 2025, that the said ruling was inordinately availed to the parties and that the said ruling was not availed within reasonable time, in further alleged violation

of their right to fair administrative action and that as a consequence, the *ex-parte* Applicants are constrained to approach the Court to urgently seek its intervention under its supervisory jurisdiction over the 1st Respondent with respect to the impugned decision and also protect it from violation of its rights under the Constitution of Kenya 2010 and the Fair Administrative Action Act.

13. It is the *ex-parte* Applicants' further case that unless the matter is heard and determined on a priority basis, the 1st Respondent/Tribunal will continue with the illegal proceedings and in violation of the *ex-parte* applicants' rights in ***SDTSC No. E080 of 2025***, potentially causing the *ex-parte* Applicants irreparable damage due to the alleged arbitrary interference with the 1st *ex-parte* Applicant's internal governance structures whose eventual effect would be the Respondents proceeding with the implementation of orders emanating from void proceedings, at the *ex-parte* Applicants' expense and rendering nugatory the instant Application.

Responses

14. In response to the Application, the 1st Respondent filed Grounds of Opposition dated 3rd March 2026, defending the legality and jurisdiction of its impugned decision and seeking the dismissal of the *ex-parte* applicant's Application on various grounds. Firstly, they contend that their decision was lawful, within their legal mandate and made following proper procedures under the Sports Act and the Fair Administrative Action Act.

15. They assert proper jurisdiction over the matter, referencing Section 58 of the Sports Act and argue that the impugned decision was lawful, reasonable and procedurally fair. They deny that Certiorari or Mandamus orders should issue, claiming the decision was lawful and within their jurisdiction arguing that the 1st ex parte applicant, VETLAB SPORTS CLUB is subject to the Sports Act despite not being registered under the Sports Act and that the Tribunal correctly interpreted relevant provisions of the Fair Administrative Action Act. The Respondents also describe the Application as frivolous, misconceived, and legally infirm, requesting its dismissal.
16. The 2nd and 3rd Respondents did not file any responses to the Application despite being granted time to do so on 25th February, 2026. They however participated in the application for leave where they sought to set aside the leave and stay granted to the ex parte applicants by this Court in HC JR E395 OF 2025. It would appear that once this court dismissed their application in that matter, they lost interest in defending the substantive motion. The ex parte applicants' counsel filed written submissions.

The Submissions

17. The *ex-parte* Applicants' counsel relied on their written submissions **dated 19th February 2026** and framed the following issues for determination:
- a. whether the 1st Respondent acted without or in excess of its jurisdiction in entertaining the dispute before it;*

b. whether the 1st Respondent's decision was tainted by procedural impropriety in reliance on extraneous material not placed before it;

and

c. whether the Applicants are entitled to the judicial review orders sought.

18. Relying on the cases of *Owners of the Motor Vessel "Lillian S" v Caltex Oil (Kenya) Ltd [1989] KLR 1*; *Samuel Kamau Macharia & another v Kenya Commercial Bank Limited & 2 others [2012] eKLR*; together with the Court of Appeal's decision in *Public Service Commission and 2 others vs. Eric Cheruiyot and 16 others [2020] eKLR* to explain the issue of jurisdiction and the effect of a decision rendered without jurisdiction, it was submitted that the Tribunal's jurisdiction is strictly limited by the Sports Act, as the 1st ex parte applicant Club is not registered under the Sports Act but is registered under the Societies Act. Counsel cited **Section 58 of the Sports Act** which defines the Tribunal's jurisdiction to include appeals from registered national sports organizations and disputes agreed upon by parties.

19. He argued that the Tribunal's jurisdiction does not extend to unregistered entities or internal governance disputes of private clubs and that **Section 46 (1) of the Sports Act** and *The Sports Registrar Regulations (2016)* provides a mandatory requirement for registration and defines what a sports organization is.

20. Counsel for the *ex parte* applicants submitted that the Court of Appeal and High Court have held that registration under the Sports Act is a prerequisite for jurisdiction. He relied on the cases of ***The Board of Directors Vetlab Sports Club & Others vs. Jared Ouko & Another, HCCC No. E320 of 2025***, and this Court's decision in ***The Board of Limuru Country Club vs. Sports Dispute Tribunal & Others, Nairobi HCJR E247 of 2025***, where the import of Section 58 of the Sports Act was aptly explained and where the Court affirmed that unregistered clubs engaging in sporting activities are outside the tribunal's jurisdiction.
21. It is submitted further that the 1st Respondent acknowledged that the 1st *ex parte* Applicant was not registered under the Sports Act and that they the 1st respondent was bound by the two High Court decisions cited and that the 1st Respondent created imaginary distinctions to circumvent the binding nature of the decision in ***Board of Limuru Country Club vs. The Sports Dispute Tribunal & Others***, particularly when such distinctions were not raised anywhere by the 2nd and 3rd Respondents. That further, in doing so, the 1st Respondent delved into the arena of a litigant when it introduced this imaginary distinction on its own without giving an opportunity to the *ex-parte* Applicants to address it on the same.
22. Counsel reiterated that the Court's decision in the ***Board of Limuru Country Club vs. The Sports Dispute Tribunal & Others*** case was on registration under the Sports Act and the nature of the dispute being a

private club governance. Consequently, the 1st *ex-parte* Applicant, it was submitted, was in the same position as Limuru Country Club in terms of registration under the Sports Act, that is, it is not registered and that the nature of the dispute before the Sports Tribunal was entirely a private club governance issue.

23. It was urged that the 1st Respondent Tribunal's reliance on a previous ruling and transitional provisions is legally incorrect. It is also submitted that the dispute in question was not a sports dispute but was an internal governance dispute involving leadership of the Club.
24. On the second issue, it is submitted that the Tribunal relied on extraneous and unfiled documents, violating principles of natural justice by considering an amended constitution not filed in the appeal and obtained through improper means after the appeal was filed. It is submitted that the amended constitution was actively contested in other proceedings because it was passed while the 2nd and 3rd Respondents were under suspension and that the Tribunal's reliance on it deprived the *ex-parte* Applicants of a fair opportunity to respond. Counsel relied on the Court of Appeal decision in ***Mbaki & Others v Macharia & Another [2005] 2 EA 206, Kenya Revenue Authority vs. Menginya Salim Murgani (2010) eKLR*** and ***Article 47 of the Constitution*** and the ***Fair Administrative Action Act, No. 17 of 2015*** in support of this argument.

25. Further submissions is that a decision-maker's use of material not formally before it breaches the right to fair administrative action under the Constitution and the Fair Administrative Action Act; that jurisdiction must be established at the time of filing and reliance on documents created later was a fundamental error thereby making the decision of the Tribunal legally flawed on account of an error of law and procedural impropriety.
26. On the third issue, Counsel for the *ex-parte* Applicants argues that the Tribunal's decision was unlawful, exceeding jurisdiction and procedurally flawed and that its illegality warranted quashing orders. He relied on the case of *Pastoli vs. Kabale District Local Government Council & Others [2008] 2 EA 300*, and *Kenya National Examination Council v Republic ex parte Geoffrey Gathenji Njoroge & 9 Others [1997] eKLR*, in seeking Certiorari Orders to quash the Tribunal's decision for lack of jurisdiction and legal errors; Mandamus to compel the Tribunal to strike out the appeal for lack of jurisdiction and Prohibition to prevent the Tribunal from entertaining disputes from the unregistered club until registration under the Sports Act.
27. The *ex-parte* Applicants reiterated that the Tribunal's decision was made without jurisdiction, in excess of jurisdiction and based on procedural errors. They seek costs of the application and any further relief deemed fit by the Court.
28. None of the respondents filed written submissions.

Analysis and Determination

29. From the pleadings and the submissions filed, I find the following issues arising for determination: -

(i) Whether the Sports Disputes Tribunal had jurisdiction to hear and determine the case in SDTSC No. E080 of 2025 Jared Ouko Olang'o & Another vs. Allan Azegele and 9 Others.

(ii) Whether this Court should grant the orders sought.

30. On whether the Sports Disputes Tribunal had jurisdiction to hear and determine the case in SDTSC No. E080 of 2025 Jared Ouko Olang'o & Another vs. Allan Azegele and 9 Others, the crux of the dispute before the Sports Disputes Tribunal emanated from internal board governance issues of the 1st *ex-parte* Applicant private members' club. The *ex-parte* Applicants contest the Tribunal's jurisdiction and contend that the dispute before it is not sports-related dispute. On the part of the 1st respondent, it defends its decision and assumption of jurisdiction to hear and determine the dispute that was filed before it by the 2nd and 3rd respondents.

31. On the importance of jurisdiction, the Supreme Court in **Macharia & another vs. Kenya Commercial Bank Ltd & 2 others (Application 2 of 2011) [2012] KESC 8 (KLR) (23 October 2012) (Ruling)** affirmed that jurisdiction emanates from the Constitution, statutes or both. Further, that a court of law cannot arrogate itself of jurisdiction that it does not have and that neither can parties consent to confer jurisdiction to a court or tribunal.

32. The locus classicus case of **Owners of the Motor Vessel “Lillian S” v Caltex Oil (Kenya) Ltd. (1989)**, the court pronounced itself as follows:

“Jurisdiction is everything. Without it a court has no power to make one more step. Where a court has no jurisdiction there would be no basis for a continuation of proceedings pending other evidence. A court of law downs its tools in respect of the matter before it the moment it holds the opinion that it is without jurisdiction.... Where a court takes it upon itself to exercise jurisdiction which it does not possess, its decision amounts to nothing. Jurisdiction must be acquired before judgement is given.”

33. The court further held in the above case, per Nyarangi, JA that:

“I think that it is reasonably plain that a question of jurisdiction ought to be raised at the earliest opportunity and the court seized of the matter is then obliged to decide the issue right away on the material before it. Jurisdiction is everything. Without it, a court has no power to make one more step. Where a court has no jurisdiction, there would be no basis for a continuation of proceedings pending other evidence. A court of law down tools in respect of the matter before it the moment it holds the opinion that it is without jurisdiction. Before I part with this aspect of the appeal, I refer to the following passage which will show that what I have already said is consistent with authority:

“By jurisdiction is meant the authority which a court as to decide matters that are litigated before it or to take cognisance of matters presented in a formal way for its decision. The limits of this authority are imposed by the statute, charter, or commission under which the court is constituted, and may be extended or restricted by the like means. If no restriction or limit is imposed the jurisdiction is said to be unlimited. A limitation may be either as to the kind and nature of the actions and matters of which the particular court has cognisance, or as to the area over which the jurisdiction shall extend, or it may partake of both these characteristics. If the jurisdiction of an inferior court or tribunal (including an arbitrator) depends on the existence of a particular state of facts, the court or tribunal must inquire into the existence of the facts in order to decide whether it has jurisdiction; but, except where the court or tribunal has been given power to determine conclusively whether the facts exist. Where a court takes it upon itself to exercise a jurisdiction which it does not possess, its decision amounts to nothing. Jurisdiction must be acquired before judgement is given”

(See Words and Phrases Legally defined – Volume 3: I – N Page 113)

31. It is for that reason that a question of jurisdiction once raised by a party or by a court on its own motion must be decided forthwith on the evidence before the court. It is immaterial whether the evidence is scanty or limited. Scanty or limited facts constitute the evidence before the court. A party who fails to question the jurisdiction of a court may not be heard to raise the issue after the matter is heard and determined.”

34. Thus, a decision rendered devoid of jurisdiction is void *ab initio*. It means it is a nullity and bears no legal consequences. It cannot stand on any legal footing. In **Boniface Waweru Mbiyu v Mary Njeri & Another (2005) KEHC 2392 (KLR)** Hon. Justice J. B. Ojwang (*as he then was*) held as follows:-

“I will, in agreement with the decision in Kagenyi v. Musiramoo, state here that the High Court will decline to assume jurisdiction in relation to any matter which has been filed before a Court lacking jurisdiction. Whenever a matter is filed before a Court lacking jurisdiction, the professional error there committed is a fundamental one, which cannot be excused as an ordinary mistake by counsel and which should not be held to prejudice the client. As between the advocate and his or her client, such a professional error could very well lead to claims in tort. As for the Court, the matter thus filed is so defective as to be a nullity. It is incompetent and void

in law; and therefore, it is not a motion or suit that can be transferred to any other Court. It is the duty of the Court or tribunal before which such matter is first brought to declare its status as a nullity; and it follows that such matter has no capacity to be transferred to any other Court.” [own emphasis]

35. Applying the principles espoused in the above cited decisions to this case, I have read the provisions of **the Sports Act 2013** which establishes the Sports Disputes Tribunal, the 1st Respondent herein. **Section 55 (1)** provides as follows:

55. Establishment of Tribunal

(1). There is established a tribunal to be known as the Sports Disputes Tribunal

36. **Section 58** sets out the Tribunal’s jurisdiction as follows:

58. Jurisdiction of the Tribunal [L.N. 92/2013, Sch.]

The Tribunal shall determine—

(a) appeals against decisions made by national sports organizations or umbrella national sports organizations, whose rules specifically allow for appeals to be made to the Tribunal in relation to that issue including —

(i) appeals against disciplinary decisions;

(ii) appeals against not being selected for a Kenyan team or squad;

- (b) other sports-related disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear; and*
- (c) appeals from decisions of the Registrar under this Act.*

37. powers of the Tribunal are set out in **Section 59** as follows:

59. Powers of the Tribunal

The Tribunal may, in determining disputes apply alternative dispute resolution methods for sports disputes and provide expertise and assistance regarding alternative dispute resolution to the parties to a dispute.

38. The above provisions are clear that the Sports Disputes Tribunal can only entertain disputes or appeals that emanate from national sports organizations or umbrella national sports organizations and the matters to be handled are strictly sports-related disputes or appeals from the Registrar and which the parties have agreed to be entertained by the Tribunal and the Tribunal has agreed to hear and determine.

39. **Section 2 of the Sports Act** defines national sports organisation as

“national sports organization” includes an umbrella body responsible for Olympic, non-Olympic, Paralympic or Deaflympic sports or multi-sport organization responsible for all sports disciplines or recreational bodies or body responsible for a particular sport nationally;

40. **Section 46** of the Act provides for the manner in which an entity may be distinguished as a sports organization. It stipulates in prohibitory terms as follows:

46. Registration of sports organizations

(1) A body shall not operate as a sports organization unless it is registered under this Act.

(2) The Registrar shall register sports organizations as either—

(a) a sports club;

(b) a county sports association; or

(c) a national sports organization.

(3) _____

(4) An application for registration under this section shall be accompanied by—

(a) a certified copy of the constitution of the applicant; and

(b) such fees as the Cabinet Secretary may prescribe.

(5) _____

(6) _____

(7) A certificate of registration issued under this section—

(a) shall be conclusive evidence of authority to operate throughout the country as may be specified in the certificate of registration; and

(b) may contain such terms and conditions as the Registrar may prescribe.

41. Section 47 of the same Act further provides:

47. Certificate of registration

(1). A national sports organization registered under this Act shall be issued with a certificate of registration in the prescribed form.

(2). The Registrar shall not register more than one national sports organizations run any one discipline.

42. This Court when faced with a similar matter in the **Board of Limuru Country Club vs. Sports Disputes Tribunal; Alexis & 2 others (Interested Parties) (Judicial Review Originating Motion Application E247 of 2025) [2025] KEHC 16425 (KLR) (Judicial Review) (10 November 2025) (Judgment)** expounded on the Sports Disputes Tribunal's jurisdiction and the scope of matters that the Tribunal could entertain and held *inter alia* that:

"40. The jurisdiction of the Sports Disputes Tribunal is statutory in nature and is therefore confined to disputes that properly fall within the ambit of sports regulation, governance, and participation as contemplated under the Sports Act, No. 25 of 2013.

41. For the Tribunal to assume jurisdiction, the dispute must not only be sports-related but must also involve an entity duly recognized as a sports organization within the meaning of the Act. In this regard,

such an entity must be registered by the Registrar of Sports and issued with a valid certificate of registration.”

43. Thus, an entity will only be recognized as a sports organisation by virtue of its registration and a requisite certificate of registration issued by the Sports Registrar. Equally, the 1st Respondent will have hear and determine disputes which are sports-related and over a body or entity that is validly registered and recognized as a sports organization. In other words, albeit **Section 46 (2)** of the Act sets out the categories of registration to include a sports club, a county sports association or a national sports organization, the mere fact that an entity’s name contains the terms “sports club” but is not duly registered means that it is not a sports entity or sports organization.

44. Additionally, it is not sufficient that an organization carries out sporting and recreational activities to warrant it to be considered as a sports entity or sports organization. Registration is the only legal and paramount proof of a sports organization status. This Court in the **Board of Limuru County Club case (supra)** emphasized the need for registration as follows:

“42. Registration under the Act is a matter of fact, to be demonstrated by evidence of compliance with the statutory requirements and the issuance of a certificate of registration by the Registrar of Sports. It is not to be assumed and is not sufficient that a body is affiliated to a registered sports entity or merely engages in

sporting or recreational activities; such affiliation or activity does not, in itself, confer the legal status of a registered sports organization within the contemplation of the Act.

43. The mere fact that the Club engages in recreational or sporting activities does not, of itself, confer upon it the legal status of a sports entity envisaged under the statute. It follows, therefore, that the dispute arising from the altercations among members of the Club and the subsequent internal disciplinary proceedings conducted by its Management Disciplinary Committee cannot, by any stretch, be deemed to constitute a sports-related dispute falling within the jurisdiction of the Sports Disputes Tribunal.” (Emphasis added)

45. For the above reasons, I find that there is no material evidence placed before this Court by the 1st Respondent to controvert the *ex-parte* Applicant’s position that the 1st *ex-parte* Applicant was not a sports organization within the meaning of the Act. No Certificate of Registration as a sports entity was furnished to prove to this Court that VETLAB SPORTS CLUB was a duly registered sports entity and therefore fell within the Sports Disputes Tribunal’s jurisdiction.

46. On the nature of the dispute before the Tribunal, I note that it entailed a contestation of the suspension of the 2nd and 3rd Respondents herein from the leadership of the 1st *ex-parte* applicant Club. Additionally, an issue was raised to the effect that the 1st *ex-parte* Applicant’s constitution was

amended and passed while the 2nd and 3rd Respondents were under suspension. To my mind, none of these issues fall within the parameters of a sports dispute outlined in the *Limuru County Club case* cited above. It is for that reason that I agree with the *ex-parte* Applicants' assertion that the material dispute is not a sports related dispute as contemplated by **Section 58 of the Sports Act**. Secondly, the wrangles between the parties relate to issues of board governance where the suspension of the 2nd and 3rd Respondents is being contested. This, as earlier stated, does not entail a sporting dispute.

47. I therefore find that, it was improper for the 1st Respondent to assume jurisdiction over the dispute and even if the 2nd and 3rd respondents amended constitution to bring the 1st *ex-parte* applicant within the domain and jurisdiction of the 1st Respondent Tribunal, all that they were doing is to confer jurisdiction on the 1st Respondent yet the 1st *ex-parte* applicant, not being a registered sports organisation, could not submit to the jurisdiction of the Sports Disputes tribunal.
48. As stated by the Supreme Court in the **Samuel Kamau Macharia v Kenya Commercial Bank** (supra) case, jurisdiction can only be drawn from either from the Constitution or statute or both and not by an internal governance document of a body, such as the impugned amended constitution herein.

49. I reiterate that the amendment to the 1st *ex parte* applicant's constitution granting the Tribunal jurisdiction would only have made sense if the Club was registered as a sports organisation under the Act, and is issued with a certificate of registration.
50. My conclusion therefore is that the 1st Respondent lacked jurisdiction to hear and determine the dispute between the 2nd and 3rd respondents and the *ex parte* applicants herein. Accordingly, the decision of the 1st respondent rendered on 5th December 2025 was made without jurisdiction and is therefore null and void.
51. On whether this Court can grant the orders sought, the *ex parte* Applicants are seeking Certiorari Orders to quash the Tribunal's decision for lack of jurisdiction and legal errors; Mandamus to compel the Tribunal to strike out the appeal for lack of jurisdiction and Prohibition to prevent the Tribunal from entertaining any disputes from the unregistered club until registration under the Sports Act.
52. From my analysis of the question of jurisdiction of the Sports Disputes Tribunal, it is my finding that the Tribunal is bereft of jurisdiction. Consequently, its decision cannot stand in law; it is a nullity in its entirety and capable of being quashed. At the same time, it would be improper for the 1st Respondent to continue entertaining any appeals or disputes before it or purporting to hear and determine any further disputes emanating from Vetlab Sports Club before in light of these findings. Accordingly, I find

that the *ex-parte* Applicants have made out a case for granting the orders sought.

53. In the end, I find that the Application by the *exparte* applicants is meritorious on all fours. Therefore, in the exercise of this Court's supervisory jurisdiction conferred by Article 165(6) and (7) of the Constitution, I make the following orders:

(1). Certiorari be and is hereby issued removing into this court for purposes of quashing and I hereby quash the decision and/or orders of the 1st Respondent issued on 5th December 2025 in SDTSC No. E080 of 2025 Jared Ouko Olang'o and Another vs. Allan Azegele & 9 Others for having been made without legal authority.

(2). Mandamus be and is hereby issued compelling the 1st Respondent to strike out the 2nd and 3rd Respondents' Applications and Memorandum of Appeal dated 16th October 2025 in SDTSC No. E080 of 2025 Jared Ouko Olang'o and Another vs. Allan Azegele & 9 Others for lack of jurisdiction.

(3). An Order of Prohibition be and is hereby issued to permanently Prohibiting the 1st Respondent from entertaining, hearing and determining disputes emanating from the 1st ex-parte Applicant, Vetlab Sports Club, until the 1st Applicant is registered as a sports

organisation under the Sports Act and such jurisdiction shall only be exercise in full compliance with section 58 of the Sports Act.

(4). Each party shall bear its own costs of these proceedings.

54. This file is closed.

55. Orders accordingly.

**Dated, Signed and Delivered virtually at Nairobi this 22nd Day of April,
2026**

**R.E. ABURILI
JUDGE**

ORIGINAL