**Kinyanjui v Mwendia**

**Division:** Court of Appeal of Kenya at Nairobi

**Date of judgment:** 26 May 2000

**Case Number:** 74/99

**Before:** Tunoi, Bosire and Owuor JJA

**Sourced by:** LawAfrica

**Summarised by:** W Amoko

*[1] Private members’ club – Disciplinary action against member – Jurisdiction of the Court to review*

*decision – Manner in which discretion to review is to be exercised.*

**Editor’s Summary**

The Plaintiff was expelled from Parklands Sports Club on the foot of a complaint made against him following a verbal altercation between him and another member. Initially the complaint was considered by the main committee of the Defendant which recommended expulsion and his appeal to the annual general meeting was rejected. The Plaintiff instituted action against the trustees of the club which action was dismissed by the High Court. On his appeal.

**Held** – As the club had followed all its rules, and the Plaintiff had had notice of the accusations against him and was given full audience, there was no basis upon which the Court could interfere with the expulsion. The jurisdiction of the Court is not appellate in nature in such cases and in exercise of its limited jurisdiction, the Court will not interfere provided there was fair play. *Lee v Showmen’s Guild of Great Britain* [1952] 2 QB 329 adopted. Appeal dismissed.

**Case referred to in judgment**

(“**A**” means adopted; “**AL**” means allowed; “**AP**” means applied; “**APP**” means approved; “**C**” means

considered; “**D**” means distinguished; “**DA**”

means disapproved; “**DT**” means doubted; “**E**” means explained; “**F**” means followed; “**O**” means

overruled)

***United Kingdom***

*Lee v Showmen’s Guild of Great Britain* [1952] 2 QB 329 – A