



**Mitei v Too (Environment & Land Case E011 of 2022)  
[2025] KEELC 4995 (KLR) (2 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 4995 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT & LAND CASE E011 OF 2022**

**CK NZILI, J**

**JULY 2, 2025**

**BETWEEN**

**RAEL MITEI ..... PLAINTIFF**

**AND**

**RASHID KIPKURGAT TOO ..... DEFENDANT**

**RULING**

1. An error apparent on the face of the record by its connotation signifies an error which is evident per se from the record of the case and does not require detailed examination or any statutory elucidation of the facts, or the legal position.
2. In *Paul Mwaniki v National Hospital Insurance Fund Board of Management* [2020] eKLR, the court held that such an error which requires no long debate and a process of reasoning can be cured through an application for review which the applicant through an application dated 12/6/2025 is saying that, in the ruling delivered on 4/6/2025, the court inadvertently referred to the suit property as Nandi/Kapkangani/2407 instead of Nandi/Kapkangani/3402.
3. The court has looked at the application dated 17/1/2025, the supporting affidavit and the mediation settlement agreement, and the consent decree issued on 16/2/2023.
4. The initial plaint dated 6/5/2022 related to Parcel No. Nandi/Kapkangani/3402 as a subdivision of Nandi/Kapkangani/515. I am satisfied that paragraph 5(d) of the Ruling dated 4/6/2025 has an error requiring the court to exercise its jurisdiction under Section 99 of the *Civil Procedure Act* for the ends of justice to be met.
5. The application is allowed with no orders as to costs.

**RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT  
KITALE ON THIS 2<sup>ND</sup> DAY OF JULY 2025.**



**HON. C.K. NZILI**

**JUDGE, ELC KITALE.**

In the presence of:

Court Assistant - Dennis

Rotich for the applicant present

Choge for the respondent absent

