



**Estate of Kiplagat Sawe (Represented by Stephen Kiplimo Tai) v Chepkwony (Environment & Land Case E048 of 2024) [2025] KEELC 4933 (KLR) (30 June 2025) (Judgment)**

Neutral citation: [2025] KEELC 4933 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KITALE  
ENVIRONMENT & LAND CASE E048 OF 2024**

**CK NZILI, J  
JUNE 30, 2025**

**BETWEEN**

**THE ESTATE OF KIPLAGAT SAWE (REPRESENTED BY STEPHEN KIPLIMO TAI) ..... PLAINTIFF**

**AND**

**MARY CHEMNGENO CHEPKWONY ..... DEFENDANT**

**JUDGMENT**

1. The plaintiff approached this court vide a plaint dated 3/12/2024. He seeks to adopt the Alternative Justice System (AJS) verdict dated 3/12/2024 as a judgment of the court. The plaintiff testified as PW1 and relied on the Alternative Justice System proceedings and award.
2. Article 159 2(c) of *the Constitution* provides that the court should spearhead and encourage parties to settle their disputes through Alternative Justice Systems, including traditional dispute settlement mechanism, so long as such procedures and outcomes are not in conflict with any law or repugnant to justice and morality.
3. Article 60 1 (g) of *the Constitution* sets out the National Land Policy principles, where it encourages of parties to settle their land disputes through recognized local community initiatives, consistent with *the Constitution*.
4. Section 20 of the *Environment and Land Court Act* provides that a court may adopt and implement an Alternative Dispute Resolution (ADR) or an Alternative Justice System award, on its own motion or at the request of the parties who are in agreement. Equally, Order 46 of the Civil Procedure Rules allows courts to adopt such awards or agreements as orders of the court.
5. The Alternative Judicial System Court at Kiminini Land Disputes is one of the local community dispute resolution initiatives within Trans Nzoia County. It is the one that handled the dispute No. 1 of 2024 whose verdict is before the court for adoption. The plaint before the court was duly served



upon the defendant. She has not filed any defence challenging the adoption of the verdict, as and order of the court. I note from the proceedings that plaintiff and her witnesses testified and produced several documents in support of their claim. The defendant was absent. The Alternative Justice System team also visited the locus in quo. It is however not clear if the defendant was notified about the scene visit.

6. The report attaches a title deed for Trans Nzoia/Sinyerere/187, issued to Elijah Kimutai Chepkwony on 30/4/1986. An official search certificate dated 13/11/2024 shows that the land is still in the name of Elijah Kimutai Chepkwony (deceased). In a letter dated 19/11/2024, before the Alternative Justice System, the defendant, through her advocates made it clear that she is not the legal administrator of the estate of the late Elijah Kimutai Chepkwony, hence lacks legal capacity.
7. The court notes that the plaint herein and the issues dwelt by the Alternative Justice System border on fraud and the cancellation of title deed held by the deceased. PW1 stated that the that he has no letters of administration to represent the estate of Kiplagat Sawe and equally the defendant, to represent the estate of Elijah Chepkwony. I find that the court would be acting in futility to adopt an Alternative Justice System verdict, that parties may not be able to enforce as a decree of the court.
8. Similarly, the Alternative Justice System panel overstepped its mandate to purport to usurp the power of both the Land Registrar and the court to cancel a validly issued title deed on account of fraud, misrepresentation and illegality. The plaintiff is hereby directed to seek and obtain a Limited Grant to represent the estate of Kiplagat Sawe and also cite Mary Chemngeno Chepkwony to represent the estate of the late Elijah Chepkwony, as to whether or not he is entitled to any overriding interests over title No. Trans Nzoia/Sinyerere/187, or challenging the title deed on account of fraud.
9. In view of the foregoing, the suit is struck out with no orders as to costs. File closed.

**RULING DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS OPEN COURT AT KITALE ON THIS 30<sup>TH</sup> DAY OF JUNE 2025.**

In the presence of:

Court Assistant - Dennis

Plaintiff - Stephen Kiplimo Tai present

**HON. C.K. NZILI**

**JUDGE, ELC KITALE.**

