



**Mitei v Kirwa & 3 others (Sued as the legal representatives of the Estate of Rashid Kipkurgat Too – Deceased) (Environment and Land Case E011 of 2022) [2025] KEELC 7092 (KLR) (16 October 2025) (Judgment)**

Neutral citation: [2025] KEELC 7092 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT AND LAND CASE E011 OF 2022  
GMA ONGONDO, J  
OCTOBER 16, 2025**

**BETWEEN**

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

**AND**

**KURGAT AZIZ KIRWA, FARAJ KIPLIMO KURGAT, KIPNGETICH ALI  
KURGAT AND IBRAHIM KIPROP KURGAT ..... DEFENDANT  
SUED AS THE LEGAL REPRESENTATIVES OF THE ESTATE OF RASHID  
KIPKURGAT TOO – DECEASED**

**JUDGMENT**

1. The attention of this court has been drawn to the consent dated 14<sup>th</sup> October 2025 which reads;
  - a) The Plaintiff herein shall receive 1.0 acres out of Nandi/Kapkangani/514 as per the attached mediation settlement agreement and survey sketch map and working-out diagram.
  - b) The Plaintiff herein shall access and till the 1.0 acres out of Nandi/Kapkangani/514 with no objection from the Defendants and other family members
  - c) The Administrator of the Estate of Rashid Kipkurgat Too shall ensure the Plaintiff herein gets the title to her portion measuring 1.0 acres out of Nandi/Kapkangani/514, from the ongoing succession at the Khadi's Court
  - d) The parties herein and the other family members shall live in peaceful co-existence hence forthwith.
  - e) Upon compliance with paragraph 1 and 3 above, Elc Case No. E011/2022 be and is hereby marked as settled with no orders as to costs.



2. Mr Moses Langat learned counsel for the Plaintiff has informed the Court that the consent is for the settlement of the instant matter. That therefore, the same be adopted as judgment herein.
3. So, the issues for determination are whether the consent be adopted as judgment in this suit.
4. The proposition by the Plaintiff's counsel was affirmed by Ms Chelimo learned counsel for the Defendant.
5. It is noteworthy that the parties are at liberty to consent to terms of the settlement of the matter as held by the Supreme Court of Kenya in the case of Geoffrey Asanyo and 3 others-vs-Attorney General (2020) KESC 62 (KLR).
6. In the end, I find the duly signed consent between the parties valid and in consonant with Article 159 (2) (c) of *the Constitution* of Kenya 2010. I would applaud both parties for the settlement of this matter through mediation.
7. A fortiori, judgment be and is hereby entered in terms of the consent dated 14<sup>th</sup> October 2025 as set out in paragraph 1 hereinabove.
8. It is so ordered.

**DATED AND DELIVERED AT KAPSABET THIS 16<sup>TH</sup> DAY OF OCTOBER 2025.**

**HON. G M A ONGONDO**

**JUDGE**

In the presence of; -

Mr. Rotich learned counsel for the Plaintiff

Ms Chelimo learned counsel for the Defendant

Walter, Court Assistant

