



REPUBLIC OF KENYA



**KENYA LAW**  
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**Alderman Limited v Abdirahman & 2 others (Environment and Land  
Case E011 of 2025) [2026] KEELC 603 (KLR) (30 January 2026) (Ruling)**

Neutral citation: [2026] KEELC 603 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT AND LAND CASE E011 OF 2025**

**TW MURIGI, J  
JANUARY 30, 2026**

**BETWEEN**

**ALDERMAN LIMITED ..... PLAINTIFF**

**AND**

**HASSAN MAHAMUD ABDIRAHMAN ..... 1<sup>ST</sup> DEFENDANT**

**CHIEF LAND REGISTRAR ..... 2<sup>ND</sup> DEFENDANT**

**THE HON. ATTORNEY GENERAL ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. The Plaintiff filed a consent dated September 18, 2025, which had the effect of compromising the suit with the 1<sup>st</sup> Defendant. The consent was executed by the Plaintiff and the 1<sup>st</sup> Defendant.
2. Mr Nyangu Masore for the Plaintiff argued that the contenders for the suit property in ELC 895 of 2014, consolidated with ELC MISC No 47 of 2014, were Alderman Limited and the Plaintiff, who comprised the suit, and have signed a consent. That in the present suit, the contenders of the suit property are the Plaintiff and the 1<sup>st</sup> Defendant, who have comprised the suit in terms of the consent. Counsel contended that the other Defendants are peripheral parties who can be compensated by costs.
3. The 1st Defendant urged the court to adopt the consent as an order and close the file.
4. Mr Allan Kamau for the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants vehemently opposed the consent on the basis that it fails to meet the parameters of a valid consent. Counsel maintained that ownership of the suit property is the subject matter in ELC 895 of 2014 as consolidated with ELC Misc 47 of 2014. Counsel further maintained that the consent will have the effect of determining ELC No. 895 of 2014, which is pending before Lady Justice Ochieng.



5. Ms Shiunda, holding brief for Osundwa, who had previously acted for the 1<sup>st</sup> Defendant, opposed the consent on the grounds that the estate for which the 1<sup>st</sup> Defendant was appointed was not aware that the property was being given to the Plaintiff.
6. Mr. Ashioya, for Nairobi City County, opposed the consent on the grounds of competing interests and urged the court to hear and determine the matter. Counsel maintained that the Plaintiff would not suffer prejudice if the court heard and determined the matter.
7. Having considered the parties' submissions, the only issue for determination is whether the consent executed between the Plaintiff and the 1<sup>st</sup> Defendant can be adopted as an order of the court.
8. A consent order is in the nature of a contract between the parties who execute it and can only bind those parties.
9. The law is settled that consent can be adopted only when it is entered into freely with full authority and by all parties whose rights and obligations are affected by it.
10. In the present case, the suit has not been withdrawn against the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants. The Plaintiff has not demonstrated that the consent is limited strictly to the issues that affect it and the 1<sup>st</sup> Defendant, without any bearing on the other Defendants.
11. The objections raised show that the consent has implications on the broader dispute as pleaded. It is also clear that the suit property in the consent is the subject matter of ELC No. 895 consolidated with ELC Misc 47 of 2014.
12. While parties are at liberty to compromise their disputes, such a compromise must not prejudice the rights of nonconsenting parties or purport to resolve issues that remain live against them.
13. In view of the foregoing, I decline to adopt the consent dated 18<sup>th</sup> September 2025 as an order of the court.

**RULING DATED, SIGNED, AND DELIVERED VIRTUALLY THIS 30<sup>TH</sup> DAY OF JANUARY 2026.**

.....

**HON. T. MURIGI**

**JUDGE**

In the presence of: -

Nyangau Masore for the Plaintiff

Allan Kamau for the 3<sup>rd</sup> and 4<sup>th</sup> Defendants

Court assistant – Ahmed=

