



REPUBLIC OF KENYA



**In re Estate of Elizabeth Wanjiru Kuria alias Elizabeth W Kuria alias Elizabeth Wanjiru - Deceased (Probate & Administration 42 of 2016) [2024] KEHC 16685 (KLR) (20 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16685 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
PROBATE & ADMINISTRATION 42 OF 2016  
DO CHEPKWONY, J  
DECEMBER 20, 2024**

**IN THE MATTER OF THE ESTATE OF ELIZABETH WANJIRU KURIA  
ALIAS ELIZABETH W. KURIA ALIAS ELIZABETH WANJIRU - DECEASED**

**RULING**

1. This matter came up for hearing of a Notice of Motion Application dated 28<sup>th</sup> March, 2024 in which the Applicant is seeking for:-
  - a. Spent.
  - b. That the Deputy Registrar or any other appropriate Judicial Officer within Kiambu High Court retype the Rectification of Certificate of Confirmation of Grant to reflect the rectifications passed by this Court on 4<sup>th</sup> August, 2022 and immediately present it to yourself for execution or to be delivered to Lady Justice M. W. Muigai to execute from her current station.
2. The Application is premised on the grounds set out on its face and expounded in the Supporting Affidavit sworn on 28<sup>th</sup> day of March, 2024 by Antony Joseph Chege Kuria and Ann Wanjiku Kuria, the Administrators.
3. Having listened to counsel for the Administrators, Mr. Wageni, I have also read through the court record and established that the Grant of Letters of Administration Intestate were issued on 28<sup>th</sup> February, 2017. The Administrators filed Summons for Confirmation of Grant dated 21<sup>st</sup> February, 2019 and the Certificate of Confirmation of Grant was issued on 30<sup>th</sup> May, 2019.
4. That, on 2<sup>nd</sup> August, 2022, the Administrators filed Summons for Rectification of Grant pursuant to Sections 71 and 74 of the [Law of Succession Act](#) and Rules 40 and 43 of the [Probate and Administration Rules](#).
5. Upon being served with the said Rectified Certificate of Confirmation of Grant, the Administrators wrote a letter dated 20<sup>th</sup> September, 2022 and pointed out the error in the spelling of names of some of the heirs had been rectified but the clerical errors in respect of distribution of parcel of Land No



Ruiru East Block 1/3085 had been retained without correcting the typographical errors which had been pointed out. According to the Administrators, by the nature of errors, the said errors could be corrected administratively, hence the letter dated 9<sup>th</sup> February, 2024 to this effect.

6. When the matter came before this Court on 14<sup>th</sup> October, 2024, counsel for the Administrators explained their predicament to the court with respect to the Rectification of the Grant.
7. This court has gone through the initial Certificate of Confirmation of Grant dated 30<sup>th</sup> May, 2019 and the Summons for Rectification of Grant dated 2<sup>nd</sup> August 2022. The court notes that the Summons for Rectification of Grant had two main prayers whereby one was in respect of parcel of land No Ruiru East Block 1/3085 which was initially divided into three with 1/3 given to the Administrators to hold in trust for themselves and the beneficiaries while the other 2/3 was to be shared jointly among the Administrators and beneficiaries.
8. The proposed rectification was to reflect the details of the Mutation Form No 04585313 dated 26<sup>th</sup> August, 2021 sub-dividing the parcel into three parcels whereby two measuring 0.0450 Hectares each and to be shares among all the beneficiaries and one parcel measuring 0.0220 Hectares and to be held in trust by the Administrators for the equal benefit of all beneficiaries and the Administrators included.
9. The court notes that Lady Justice Muigai in the ruling of 4<sup>th</sup> August, 2022 allowed the Summons for Rectification of Grant as prayed. Therefore, the court notes that the Rectification of Certificate of Confirmation of Grant only included the error of names but failed to capture the rectification as sought in prayer No (1)
10. For the aforementioned reasons, the court directs that the Rectified Certificate of Grant issued on 4<sup>th</sup> August, 2022 be and is hereby amended accordingly.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 20<sup>TH</sup> DAY OF DECEMBER , 2024.**

**D. O. CHEPKWONY**

**JUDGE**

