



**In re Estate of Maganlal Devji Vishram Tanna alias Tanna Maganlal Devji (Deceased)
(Succession Cause E025 of 2021) [2023] KEHC 3467 (KLR) (24 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3467 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE E025 OF 2021
RE ABURILI, J
APRIL 24, 2023**

**IN THE MATTER OF
HITTENKUMAR MAGANLAL DEVJI TANNA 1ST PETITIONER
RUPEEN MAGANLAL DEVJI TANNA 2ND PETITIONER**

RULING

1. On January 20, 2023 vide an order made during the Service Week for the newly appointed judges of the High Court, the grant issued to Hittenkumar Maganlal Devji Tanna and Rupeen Maganlala Devji Tanna to administer the estate of Maganlal Devji Vishram Tanna alias Tanna Magalal Devji was confirmed and the certificate of confirmation of grant issued vide letter dated March 3, 2023, the administrator's counsel wrote to court pointing out the error in the description of the property named in the certificate of confirmation of grant as National Printing Property Limited, and surrendering the original certificate of confirmation.
2. The Deputy Registrar did respond to the said letter on March 13, 2023 correctly advising counsel to file an application for rectification of the certificate of confirmation of grant.
3. I have considered the summons for rectification of grant dated April 13, 2023 brought under the provisions of Section 74 of the *Law of Succession Act*, Rules 43(1) and 73 of the *Probate & Administration Rules*.
4. The summons seeks one single prayer for rectification of the certificate of confirmation of grant issued on January 30, 2023 to give proper description of the property erroneously described as 'National Printing Property Limited' instead of National Printing Limited.
5. However, a perusal of the deceased's last will and testament dated August 13, 2018 shows that the deceased described the property in issue as 'National Printing Press Limited'. The latter is what is contained in the supporting affidavit of the administrators sworn on November 29, 2022 and the attached schedule of distribution of the deceased's estate.



6. That being the case, I find that the certificate of confirmation of grant issued on January 30, 2023 was erroneous in the description of the property National Printing Press Limited.
7. I hereby allow the summons for rectification of grant dated April 13, 2023. I set aside the certificate of confirmation of grant issued on January 30, 2023 and substitute it with a fresh and amended certificate of confirmation of grant, giving proper description of all parties and properties of the testate estate and more specifically, the property misdescribed as National Printing Property Limited is hereby corrected to read 'National Printing Press Limited.'
8. I so order and direct that this file is hereby closed subject only to Section 83 of the [Law of Succession Act](#).

DATED, SIGNED AND DELIVERED AT KISUMU THIS 24TH DAY OF APRIL, 2023

R. E. ABURILI

JUDGE

