



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Julius Malii (Deceased) (Succession Cause  
1825 of 2004) [2023] KEHC 22097 (KLR) (26 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 22097 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
SUCCESSION CAUSE 1825 OF 2004  
EKO OGOLA, J  
JUNE 26, 2023  
IN THE MATTER OF THE ESTATE OF JULIUS MALII (DECEASED)**

**RULING**

1. The Summons before the Court is dated February 1, 2023 where the Administrators of the Estate, Barnabas Katumo Ngie and Shedrack Nguma Ngie pray for the following:-
  - a. That the Certificate of Confirmation of Grant issued on the 10<sup>th</sup> day of May 2011 be rectified as for the property appearing as LR 209/7386 (F161) to read as LR 209/7386/258.
  - b. That costs be in the cause.
2. The Summons are based on the grounds set therein and the Supporting Affidavit of the Administrators. It is deposed that the source of LR 209/7386 (F161) was from a Sale Agreement dated February 1, 1972 between the City Council of Nairobi and the Deceased. However, the Administrators came across the title of the property that disclosed that the actual property number is LR 209/7386/258 a sub-division of 209/7386.

**Determination**

3. Rectification of grants is provided for in section 74 of the *Law of Succession Act* and Rule 43(1) of the *Probate and Administration Rules*. Section 74 provides as follows:

“Errors in names and descriptions, or in setting forth the time and place of the deceased’s death, or the purpose in a limited grant, may be rectified by the court, and the grant of representation, whether before or after confirmation, may be altered and amended accordingly.”
4. Rule 43(1) provides as follows:

“Where the holder of a grant seeks pursuant to the provisions of section 74 of the Act rectification of an error in the grant as to the names or descriptions of any person or thing or



as to the time or place of death of the deceased or, in the case of a limited grant, the purpose for which the grant was made, he shall apply by summons in Form 110 for such rectification through the registry and in the cause in which the grant was made.”

5. From the language of section 74 and Rule 43(1), the scope of rectification of grants of representation is limited to errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant. In this case, the Administrators seek to rectify the name of a property that was included in the estate from LR 209/7386 (F161) to read as LR 209/7386/258. This falls within the court's power to rectify a grant. This rectification does not alter the core of the judgments but simply gives a proper and complete description of the said property. I order rectification of the description of the property to read as LR 209/7386/258.
6. Cost of the Summons be in the Cause.  
It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 26<sup>TH</sup> DAY OF JUNE 2023**

**E.K. OGOLA**

**JUDGE**

**In the presence of:**

Ms. Mwanzia for the Administrators

Gisiele Muthoni Court Assistant

