



REPUBLIC OF KENYA



**In re Estate of Simon Peter Njau (Deceased) (Succession Cause  
1921 of 2021) [2023] KEHC 22092 (KLR) (Family) (26 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 22092 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 1921 OF 2021  
EKO OGOLA, J  
JUNE 26, 2023  
IN THE MATTER OF THE ESTATE OF SIMON PETER  
NJAU (DECEASED)**

**RULING**

1. The Summons before me is dated 22<sup>nd</sup> February 2023. The Administrator, Alice Wamoro Njau prays for the following:-
  - a. That the deceased name to read Simon Peter Njau alias S.P. Njau as in Certificate of Title for Land Parcel No. Nyandarua/ Kirima/2090
  - b. The cost of this Application be provided for.
2. The Certificate of Grant was issued to Alice Wamoro Njau on 28<sup>th</sup> November 2022. Part of the deceased estate include land known as Nyandarua/Kirima/2090 registered to the deceased in his name alias S.P. Njau. The Certificate of Confirmation of Grant names the decease as Simon Peter Njau. The Administrator swears in her Affidavit in support of the Summons for Rectification that both names refer to the deceased therefore the Certificate of Confirmation of grant should read, ‘Simon Peter Njau alias S.P. Njau’.
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:

“74. Errors may be rectified by court:

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 of the Law of Succession Act and Rule 43(1) of the Probate and Administration Rules, 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. The court may rectify errors in names and descriptions, and the grant of representation, whether before or after confirmation, may be altered and amended accordingly.

6. In this instant Summons for Rectification of Confirmed Grant, the Administrator has demonstrated the error in the name of the deceased and having perused the record of the Court, the annexures to the Summons, and having considered the applicable law, I allow the Summons as prayed.

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:

N/A for the Administrators

Gisiele Muthoni Court Assistant.

