



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Beatrice Mukulu Wambua (Deceased) (Probate & Administration
185 of 2000) [2023] KEHC 22714 (KLR) (26 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22714 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
PROBATE & ADMINISTRATION 185 OF 2000**

FROO OLEL, J

SEPTEMBER 26, 2023

**IN THE MATTER OF
PETER NZIOKA PAUL APPLICANT**

RULING

1. Before court is the court summons application dated August 25, 2023 wherein the applicant is seeking of rectification of grant (certificate of confirmation of Grant) dated September 23, 2008). The applicant depones that he was not aware that there were other properties of the estate which he had not included and later on came to discover the same.
2. The properties of the estate not initially included for distribution were;
 - a. Funds in bank account number ***** held at Kenya Commercial Bank Tala Branch.
 - b. Funds in joint bank account no.***** held at Kenya Commercial Bank Tala Branch in the name of the deceased (Beatrice Mukulu Wambua) and her co-wife Beatrice Ndinda Paul also deceased.
 - c. Piece of land known as Land Reference Number Katine/Matungulu/1745 which the deceased during her life time sold to Joseph Ngulukyo Musomba holder of National Identity Card no.1460908.
3. The applicant does propose that the sums held in the two Kenya Commercial Bank Accounts no ***** and no.***** be vested in him as the only beneficiary of the estate, while parcel Katine/Matungulu/1745 be vested on Joseph Ngulukyo Musomba the beneficial owner thereof.
4. Having considered the said application and the annexures thereof I do find that;
 - a. There is no proof annexed to show that parcel L.R Katine/Matungulu/1745 belongs to the estate of Beatrice Makulu Wambua and the applicant is directed to file a further affidavit attaching the green card of the said parcel of land (not land search).



- b. Funds held in account no.***** held at Kenya Commercial Bank – Tala will vest in the applicant.
- c. Half the fund held in account no.***** held at Kenya commercial Bank Tala Branch will vest in the applicant while the other half consisting part of the estate of Beatrice Ndinda Paul will vest in her legal administrators.
- d. The applicant to comply with order (a) above before final orders with regard to rectification of grant can be issued.

5. It is ordered.

RULING WRITTEN, DATED AND SIGNED AT MACHAKOS THIS 26TH DAY OF SEPTEMBER, 2023.

FRANCIS RAYOLA OLEL

JUDGE

