



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Esho Osidai (Deceased) (Succession Cause
16 of 2018) [2022] KEHC 15138 (KLR) (22 July 2022) (Ruling)**

Neutral citation: [2022] KEHC 15138 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
SUCCESSION CAUSE 16 OF 2018
SN MUTUKU, J
JULY 22, 2022**

RULING

1. On October 4, 2018, this court (Nyakundi, J) issued a grant of letters of administration in respect of the estate of Esho Osidai, deceased, who died on October 8, 2000 to Kakuresh Ole Kirotie and Elija Kirotie. At the time of his death, the deceased was registered owner, jointly with Sooi Sida, Kotukash Osidai and Ashumba Osidai, of Kajaiado/Kilonito/9 measuring 132.40 hectares.
2. The grant was confirmed on September 29, 2020. However, the certificate of confirmation captured the particulars of beneficiaries and their respective shares erroneously. Out of Kajaiado/Kilonito/9, the share for Esho Osidai is 33.1 hectares and the beneficiaries are:
 - i. Elijah Kirotie
 - ii. Jeremiah Rianto
 - iii. Kakuresh Kirotie.
3. Their sister Nabulu Ene Saitet had denounced her entitlement to the share of that property after she swore an affidavit on November 14, 2019.
4. The beneficiaries now seek to have the grant rectified and the shares and beneficiaries captured correctly.
5. On 6th July the beneficiaries appeared in court and confirmed the shares as proposed in the summons for rectification dated August 24, 2021. This court directed counsel for the parties to file brief submissions on this issue but as at July 19, 2022 there are no submissions filed.
6. I have considered this matter and I hereby allow the summons for rectification. The grant issued on October 4, 2018 and confirmed on September 29, 2020 is hereby rectified as follows:

“A portion measuring 33.1 hectares be hived from title number Kajaido/Kilonito/9 (measuring 132.4 hectares and registered in the names of Sooi Sida, Esho Osidai, Kotikash



Osidai and Ashumba Osidai) and be distributed equally amongst Kakuresh Ole Kirotie, Elijah Kirotie and Jeremiah Rianto. Each beneficiary to receive 11.03333 hectares.”

7. A rectified certificate of confirmation to issue.

DATED, SIGNED AND DELIVERED THIS 22ND DAY OF JULY 2022.

SN MUTUKU

JUDGE

