

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

P&A 360 OF 2014

IN THE ESTATE OF CATHERINE KINANU MUKINDIA

RULING

[1] This is a Ruling on the Summons dated 3/11/2020 seeking rectification of certificate of Confirmed Grant herein among other orders. The application is brought by the 1st administrator, the widower to the deceased seeking to have the confirmed Grant rectified to provide for the 2nd Administrator daughter of the deceased

[2] With the 1st administrator to hold upon trust for herself and her sisters (both minors) in equal shares, shares in named companies which were inadvertently omitted from the list of assets of the estate at the time of filing the petition.

[3] The applicant has by this application given his consent to the rectification and the 2nd applicant has consented to the rectification undertaking to carry out the trusteeship duty with fidelity by affidavit sworn on 3/11/2020.

[4] The prior Grant of Letters of Administration *Ad Colligenda Bona* for purposes of operating the said Companies issued to the 2nd applicant under succession cause Meru HC Succession Cause No. 26 of 2020 is spent upon distribution of the shares to the 2nd applicant and her siblings as prayed, and the court file on the said proceedings ought to be closed upon grant of the order of rectification herein.

[5] A petition for full Grant filed in the Magistrate's Court subsequent to this proceedings as Meru CMC Succession Cause No. 156 of 2020 is obviously wrongfully filed, there already having been in existence the present proceedings Meru HC Succession Cause 360 of 2014 a Petition for the very full Grant in the same Estate.

Orders

[6] Accordingly, for the reasons set out above, I find merit in the applicants' Summons dated 3/11/2020 and I grant the prayers sought in Prayers Nos. 2, 3, 4 and 5 thereof as prayed. Costs in the Cause. Order accordingly.

DATED AND DELIVERED THIS 28TH DAY OF JANUARY 2021.

EDWARD M. MURIITHI

JUDGE

Appearances:

Mr. Kimaita for the Applicant.