

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

SUCCESSION CAUSE NO. 263 OF 2002

IN THE MATTER OF THE ESTATE OF BARASA KANENJE MANYA (DECEASED)

RULING

1. In the application dated 26th October 2020, Juliet Awinja Nura, the applicant, complains that the other parties had misrepresented to the court that her name was Julia Mura, and proceeded to distribute the estate to the said Julia Mura, and that she stood to be disinherited. The other parties have argued that Julia Mura was the name the applicant went by in the community, and that the property devolved upon Julia Mura was in fact a devolution to her.
2. I note that the applicant has not complained substantively about the manner the estate has been distributed, and appears to be more worried about the use of the name Julia Mura, rather than Juliet Awinja Nura. I find it surprising that she is raising the issue now, given that she has actively participated in the matter without raising the issue. She filed affidavits in response to various applications, where Julia Mura was named as a respondent, such as those sworn on 15th July 2019, 24th September 2019, and 20th November 2019. She had also executed a witness statement, which was filed herein on 8th July 2019. I wonder the basis on which she was executing and filing these documents if she was not the party named in the proceedings.
3. The way out I believe should be to order amendment or rectification of the documents where her name appears as Julia Mura, and the substitution of that name with the name which appears in her national identity card, that is to say Juliet Awinja Mura. The documents to be amended or rectified are the grant of letters of administration intestate issued on 24th March 2010 and the certificate of confirmation of grant dated 15th June 2011.
4. It is so ordered.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 6TH DAY OF AUGUST 2021

W. MUSYOKA

JUDGE