



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 409 OF 2007

IN THE MATTER OF THE ESTATE OF SEBASTIAN MBWIRI KIENE (DECEASED)

BETWEEN

LYDIAH KARIMI.....1ST APPLICANT

EDWARD MWIRIGI MBWIRI.....2ND RESPONDENT

AND

JOANINA KAIMURI MBWIRIA.....1ST PETITIONER/RESPONDENT

JULIA MUGURE MBWIRIA.....2ND PETITIONER/RESPONDENT

CHRISTINE MUKIRI.....3RD PETITIONER/RESPONDENT

HELLEN MWARI.....1ST. PROTESTOR

JANET NKIROTE MUNGANIA.....2ND PROTESTOR

R U L I N G

1. I have considered the application dated 17th November, 2021 in the light of the supporting affidavits worn by LYDIA KARIMI in which she denies that **PATRICK MUGAMBI** is her son.
2. In the ruling dated 30th December, 2020 delivered on 28th January, 2021, it is apparent that the estate was distributed to the widows and their respective children.
3. From the evidence on record, the name **EDWIN MUGAMBI** does not feature on the list of deceased's children. I am therefore persuaded that the inclusion of **EDWIN MUGAMBI** on the list of **LYDIAH KARIMI** 's children was inadvertent.
4. This application was duly served and was not opposed. From the foregoing analysis therefore, the summons and filed on 29th November, 2021 has merit and it is therefore hereby ordered:

1) The name EDWIN MUGAMBI is hereby expunged from paragraph 21 and 26 (iii) of this court's ruling dated 30th December, 2020 delivered on 28th January, 2021

2) The Certificate of Confirmation of Grant dated 03rd February, 2021 shall be rectified accordingly.

DATED THIS 16TH DAY OF DECEMBER, 2021

T.W. CHERERE

JUDGE

Court Assistant - Morris Kinoti

For 1ST Applicant - Mr. Mwirigi for M/s. Mwirigi Kaburu & Co. Advocates

For Respondent s - Mr. Basilio for Basilio Gitonga, Murithi & Associates

For Protestors - N/A for M/s. Mboos Mutunga & Co. Advocates