



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 2927 OF 1999

IN THE MATTER OF THE ESTATE OF JONATHAN MBATIA KIEYA - (DECEASED)

PETER KABUI MBATIA.....1ST APPLICANT

ANASTASIA WANJIKU KABUI.....2ND APPLICANT

VERSUS

ELIZABETH NJERI MBATIA.....1ST RESPONDENT

SIMON THAIRU MBATIA.....2ND RESPONDENT

RULING

1. In the Ruling delivered on 5th March 2018 this court distributed the estate of the deceased. An amended certificate of confirmation was supposed to issue containing the beneficiaries and their shares.

2. When on 22nd January 2019 the court stated that –

“The estate has to be distributed”

that was a mistake as there was no distribution that was outstanding at the time. The mistake was inadvertent.

3. There was no application to review and/or vary or set aside the ruling and orders of 5th March 2018.

4. On my own motion, I review and set aside the proceedings and directions of 22nd January 2019. The parties shall proceed on the basis of distribution contained in the Ruling above. An amended certificate of distribution shall accordingly issue.

DATED and SIGNED at NAIROBI this 22ND day of MAY 2019

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 29TH day of MAY 2019

A.N. ONGERI

JUDGE