



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NUMBER 449 OF 2010

IN THE MATTER OF THE ESTATE OF THE LATE PAUL MWANGI GITHIGA also known as WANGAI GITHIGA (DECEASED)

AND

- 1. BERITHA NYAMBURA WANGAI**
- 2. GLADYS WANJIKU MUNGAI.....PETITIONERS**
- 3. MWANGI WANGAI**

RULING

1. Before court in the summons for rectification of grant dated 14/2/2019. The rectification is sought in the following aspects;

1. THAT the deceased (PAUL WANGAI GITHIGA ALSO KNOWN AS WANGAI GITHIGA) was the sole proprietor of those parcels known as MARMANET/NORTH RUMURUTI BLOCK 2/2676 (NDURUMO), MARMANET/NORTH RUMURUTI BLOCK 2/2675 (NDURUMO), MARMANET/NORTH RUMURUTI BLOCK 2/2671 (NDURUMO) and MARMANET/NORTH RUMURUTI BLOCK 2/3225 (NDURUMO) which the administrators forgot to include in the confirmation of grant issued on 2nd October, 2015.

2. THAT the costs of the application be costs in the cause.

2. The summons is premised on the affidavit of Berithi Nyambura Wangai, Gladys Wanjiku Wangai and Mwangi Wangai Githiga.

3. It is the applicant's case that at the time the grant of letters of administration in this matter was confirmed, the administrators forgot to include parcels of land known as Marmanet/North Rumuruti Block 2/2676 (Ndurumo), Marmanet/North Rumuruti Block 2/2675 (Ndurumo), Marmanet/North Rumuruti Block 2/2671 (Ndurumo) and Marmanet/North Rumuruti Block 2/3225 (Ndurumo).

4. It is prayed that the said properties be included as part of the assets of the deceased. It is urged that by consent of the administrators and the beneficiaries of the estate herein parcel numbers Marmanet/North Rumuruti Block 2/2676 (Ndurumo) and Marmanet/North Rumuruti Block 2/2675 (Ndurumo) be transmitted to the purchaser HENRY MUNGAI KIMANI directly as the sole beneficiary.

5. Further, by consent of all the administrators and other beneficiaries of the estate, it is agreed that parcel number Marmanet/North Rumuruti Block 2/2671 (Ndurumo) be transmitted directly to ESTHER MUTHONI WANGAI as the sole beneficiary.

6. The administrators and the beneficiaries, again by consent, have agreed that parcel number Marmanet/North Rumuruti Block 2/3225 (Ndurumo) do transmit directly to JOSEPH WANG'OMBE WANGAI as the sole beneficiary.

7. I have considered the summons, the supporting affidavit together with the annexures thereto and the consents duly executed and filed.

8. I am persuaded that the rectification sought is necessary to facilitate the finalization of the administration of the estate herein.

9. With the result that the summons for rectification of grant dated 14/2/2019 is wholly successful. I allow the same and make the following orders;

1. THAT the summons dated 14/2/2019 is allowed in terms of prayer 1 thereof.

2. THAT distribution of the included assets be within the terms of paragraph 4, 5 and 6 of the supporting affidavit.

3. THAT costs be in the cause.

Dated and Signed at Nakuru this 28th day of May, 2019.

A. K. NDUNG'U

JUDGE