

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

SUCCESSION CAUSE NO. 434 OF 2002

IN THE MATTER OF THE ESTATE OF LATE AMOS KIMONDO TUTUMA (DECEASED)

R U L I N G

AMOS KINONDO TUTUMA died on 23rd July 2002. He was survived by Cecilia Wairimu Kimondo, George Kimani Kimondo, David Karanja Kimondo, Paul Waithaka Kimondo, and Simon Gichuki Kimondo. He left properties L.R CHINGA /GATHERA/ S.92. CHINGA /GATHERA.W59, LR NO 23402/1 in NAIROBI, PLOT 3/145 SOWETO SCHEME, SHARE IN NYERI /MUN BK III/9

The certificate of confirmation of grant was issued on 28th September 2007 and the estate was distributed among the beneficiaries.

Apparently by then the beneficiaries were not aware of another property 1/14 share of plot NO.250 OF SECTION 1 NAIROBI EAST TOWNSHIP (EASTLEIGH), hence the summons for rectification of the grant dated 3rd August 2017, the seeking the rectification of the grant issued on 12th June 2014 to include the above property, on the ground that the schedule of assets in the petition for letters of administration intestate and the confirmed grant inadvertently omitted the deceased's property 1/14 SHARE OF PLOT NO. 250 OF SECTION NO.1 NAIROBI EAST TOWNSHIP (EASTLEIGH). He has also deponed that the property be shared equally among the beneficiaries.

I have carefully considered the summons for rectification of grant, and the supporting affidavit of Cecilia Wairimu Kimondosworn on 3rd August 2017. she has annexed a Certificate of Postal Search dated 30th May 2017 which confirms L.R 36/250/1 is registered in the names of 14 persons as tenants in common, including AMOS KIMONDO TUTUMA

The application is in order. I allow the application and order that the property 1/14 SHARE OF PLOT L.R 36/250/1 be included in the list of assets belonging to the deceased.

That the grant issued on the 28th September 2007 be rectified to include the said property. That the property be shared equally among the beneficiaries.

Costs in the cause.

Dated, delivered and signed this 23rd January 2018

Teresia M Matheka

Judge