



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NYERI**

**SUCCESSION CAUSE NO.397 OF 2013**

**IN THE MATTER OF THE ESTATE OF LATE CHARLES NDUNGU KIAMA (DECEASED)**

**R U L I N G**

Charles Ndungu Kiama died on 21<sup>st</sup> January 2007. He was survived by Thomas Kiama Ndungu, Robert Wachira Ndungu, Alexander Ndumia Ndungu, Samuel Gathii Karicho. He left properties **GAKAWA/GITHIORO BLOCK (BURGURET)/185** and **CHINGA/GATHERA/513**.

The certificate of confirmation of grant was issued on 12<sup>th</sup> June 2014 with the 1<sup>st</sup> property GAKAWA/GITHIORO BLOCK (BURGURET)/185 going wholly to Thomas Kiama Ndungu, and CHINGA/GATHERA/513 being shared equally 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 3<sup>rd</sup> August 2017, the seeking the rectification of the grant issued on 12<sup>th</sup> 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 Thomas Kiama Ndungu sworn on 3<sup>rd</sup> August 2017. He has annexed a Certificate of Postal Search dated 30<sup>th</sup> May 2017 which confirms **L.R 36/250/1** is registered in the names of 14 persons as tenants in common, including CHARLES NDUNG'U KIAMA.

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 12<sup>th</sup> of June 2007 be rectified to include the property. That the property be shared equally among the beneficiaries.

Costs in the cause.

**Dated, delivered and signed this 23<sup>rd</sup> January 2018**

**Teresia M Matheka**

**Judge**