

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 2775 OF 2003

IN THE MATTER OF THE ESTATE OF SAMUEL ZADOCK AMBUKA (DECEASED)

RULING

1. By application dated 2nd February 2018, the applicants herein sought orders authorizing rectification of the grant issued and confirmed on 19th July 2005 so as to include land parcel No. Uasin Gishu/Kuinet/26 as one of the deceased's property which was inadvertently left out during confirmation. Secondly, that the said parcel of land be inherited by Janet Okwisa Ambuka the 1st applicant herein and the widow of the deceased as the sole absolute proprietor.

2. Application which is filed as general summons is premised on grounds on the face of it and affidavits in support sworn on the 2nd February 2018 by the 1st and 2nd applicants and 1st February 2018 by the 3rd applicant. To support their prayers, the applicants attached letters from the Director Land adjudication and settlement department dated 2nd February 2018 and 8th January 2018 confirming that the deceased was the owner of the said property. They also attached a charge dated 30th June 1983 showing the deceased as the chargee having used the same property to secure a loan from settlement land trustees.

3. Based on this evidence and considering that there is no objection from any quarters, application is allowed as prayed and the said property therefore included in the list of assets left by the deceased. Both parties and or beneficiaries having agreed by written consent that the widow shall inherit the said land absolutely, I have no reason not to grant their prayers. Accordingly, the property is hereby given to the 1st applicant one Janet Okwisa Ambuka as the absolute owner as per the family wishes.

Order accordingly.

SIGNED, DATED AND DELIVERED AT NAIROBI ON THIS 14TH DAY OF MARCH 2018.

J.N. ONYIEGO (JUDGE)

In the presence of:

The Applicants.....in person

Edwin..... Court Assistant