



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NUMBER 436 OF 2003

IN THE MATTER OF THE ESTATE OF

PETER MIRITHU GACHIE.....DECEASED

RULING

1. Before Court is the summons for rectification of Certificate of Confirmation of Grant dated 15/2/2017.
2. It is sought;

1. **THAT** the certificate of confirmation of grant issued to Agnes Nungari Mirithu and Esther Waithira Mirithu be rectified to reflect one administrator Agnes Nungari Mirithu.

2. **THAT** the certificate for confirmation of grant issued to Agnes Nungari Mirithu and Esther Waithira Mirithu be rectified to include BUSINESS PLOT NO. 56 AT BAHATI TRADING CENTER and I.R 10613/1 as part of the assets of the deceased.

3. **THAT** upon the inclusion of the property in the grant, the properties be distributed as hereunder;

NAME	DESCRIPTION OF	SHARES
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PROPERTY

Mirithu Paul Ndungata	Business Plot No. 56 at Bahati Whole share	Trading Center
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Peter Karare Njonge

Francis Mwangi Njonge

Stephen Mbugua Njonge

Paul Karithi Njonge

4. That costs of the application be borne by the estate.

3. The application is premised on 4 grounds namely;

1. **THAT** Esther Waithira Mirithu is deceased.

2. **THAT** the property known as BUSINESS PLOT NO. 56 AT BAHATI TRADING CENTER and I.R 10613/1 were inadvertently left out from the properties of the deceased when the petition of letters of administration was made.

3. **THAT** it is only fair that the said property be included as part of the assets of the deceased.

4. **THAT** the beneficiaries of the estate of the deceased have consented to the grant being rectified.

4. The application is not opposed and there is evidence of service on Ms Namisi & Company Advocates on record for Simon Peter Gachi Bernard.

5. In brief submissions Ms Alwala for the Applicant urged that the rectification is necessary as 2 properties of the deceased had been left out during the confirmation of grant. They had been purchased but had not been transferred at the time. She added that one of the administrators is now deceased and there was need to remove her name and substitute the names with only one administrator.

6. I have perused the application, the supporting affidavit and the submissions by learned counsel. I have noted the consent of the parties on the distribution proposed.

7. I am satisfied that the application is merited and the orders sought are necessary in furtherance to the administration of the estate herein and its winding up.

8. I allow the summons in terms of prayer 1, 2 and 3. Costs be borne out of the estate.

Dated and Signed at Nakuru this 13th day of June, 2018.

A. K. NDUNG'U

JUDGE