

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 428 OF 2006

IN THE MATTER OF THE ESTATE OF THE LATE SAMUEL MUTUA

MULI (DECEASED)

GRACE MBULWA MUTUA)

ANNA NTHAMBI MUTUA)

MARY WANJIRU MUTUA)

ROSE NTHENYA MUTUA).....PETITIONERS

RULING OF THE COURT

1. Before the court is summons for Rectification of Grant dated 1st October, 2012 and filed herein on 30th January, 2013. The application seeks to secure the following orders:

(a) The parcel of land known as **KAMPI YA MOTO/MENENGAI/BLOCK 1/83** be expunged from the list of deceased's assets.

(b) Motor vehicle Reg. No. KYY 339 shown in the list of the deceased's assets be ordered registrable in the name of **PETER KITIVO MUTUA**.

(c) The shares set out in paragraph 5 of the Affidavit of Ann Nthambi Mutua in support of this application be included in the deceased's list of assets and ordered registrable in the names of the administratixes, jointly.

2. The application is supported by affidavit of **ANNA NTHAMBI MUTUA** sworn on 1st October, 2012. She is also one of the Petitioners herein. The grant herein was confirmed on 20th July, 2009. Soon thereafter the Petitioners realised the anomalies leading to the need to rectify the grant as proposed.

3. The application is not opposed. I have carefully considered it and the reasons given for rectification seem to be valid. I have no reason to deny the request. I allow me application and rectify the grant and distribute the assets as prayed.

Orders accordingly.

Read, Delivered and Dated this 28th Day of SEPTEMBER 2016

E.K. OGOLA

JUDGE