



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO.449 OF 2005**

**IN THE MATTER OF THE ESTATE OF THE LATE PETER MUIA MUIVA alias MUIA MUIVA  
NGINYA (DECEASED)**

**PAUL MUNYAO MUIA )**

**MICHAEL MAKAU MUIA ).....PETITIONERS/APPLICANTS**

**RULING OF THE COURT**

1. The Notice of Motion before the court is dated 11<sup>th</sup> September, 2015. It seeks to rectify Grant of Letters of Administration as prayed.
2. The application is not opposed. I have considered the same.
3. The reasons necessitating the need to rectify are stated in the supporting affidavit of **Michael Makau Muia**, one of the Administrators. The parcel of land Muputi/Kiima Kimwe/2435 was by an inadvertent mistake left out of the assets of the estate of the deceased. It is that asset that the current application now seeks to make part of the estate of the deceased to be distributed as proposed.
4. I have no reasons to deny the application. The same is allowed, and the estate is further distributed in the following terms:
  - (a) That the certificate of confirmed grant be and is hereby amended to include parcel No. Muputi/Kiima kimwe/2435 in the schedule of distribution.
  - (b) That 54ft x100ft of parcel No. Muputi/Kiima kimwe/2435 be given to **LOIS MWONGELI MULWA** and the remainder to **PAUL MUNYAO MUIA** and **MICHAEL MAKAU MUIA** to jointly own the same.

Orders accordingly.

**Read, Delivered and Dated this 28<sup>th</sup> Day of SEPTEMBER 2016.**

**E.K. OGOLA**

**JUDGE**