

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 20 OF 2001

IN THE MATTER OF THE ESTATE OF THE LATE KILONZO

KIPALE (DECEASED)

CHARLES KILONZO IVALI.....PETITIONER/APPLICANT

RULING OF THE COURT

1. The application before the court is Summons for Substitution of Petitioner dated and filed herein on 7th September, 2016. The application seeks the following orders:

(a) That the first Administrator **JANET WANJIKU KILONZO** having died all powers and duties of the Administrators shall become vested in the survivor of them **CHARLES KILONZO IVALI**.

(b) The typographical error in the name of **KILONZO IVALI** in the Grant be corrected to read **KILONZO IVALI** instead of **KILONZO KIPALE**.

(c) Costs of this application.

2. The application is supported by affidavit of **CHARLES KILONZO IVALI** sworn on 7th September 2016.

3. The application's case is that the 1st Administrator **JANET WANJIKU KILONZO** is deceased as per attached death Certificate marked as Exhibit "CKI". The death certificate contains a typographical error as the 1st Administrator's name is **JANET WANJIKU KILONZO** but in the death Certificate she is called **JANET WASIKU KILONZO**. The mother had petitioned for Letters of Administration where a grant of letters of Administration intestate was issued and the mother (co-administrator) died before the same was confirmed. The mother who is now deceased was the 1st Petitioner. The applicant now shall act alone since there is no trustee or a beneficiary below the age of 18 years.

4. I have carefully considered the application. The need for substitution is established since the 1st Administrator had passed away as per the annexure marked "CKI" being the death Certificate. In order for the distribution of the estate to proceed the application is hereby granted as prayed with costs in the cause.

Read, Delivered and Dated this 12th Day of **October 2016**.

E.K. OGOLA

JUDGE