



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 1190 OF 2007**

**IN THE MATTER OF THE ESTATE OF MWANGI KOMO RUHANGI (DECEASED)**

**RULING**

1. The application dated 10<sup>th</sup> April 2014 seeks rectification of the certificate of confirmation of grant dated 30<sup>th</sup> September 2008.
2. The proposed rectification ideally aims at the redistribution of the estate on the grounds that the applicant's side of the family had not received their proper due.
3. The application is opposed by the other side of the family. The said application is at the instance of only one of the two administrators, and it is without the consent of the other.
4. An application to redistribute the estate or to vary the distribution is really an application for review of the orders on the confirmation of the grant. It should be handled in much the same way as a confirmation application. The other parties or survivors of the deceased must concur to the redistribution or the changes being proposed. It is not something that can be done *ex parte*.
5. In the present case, I am not satisfied that the process of rectification is sought with the concurrence of all those interested in the estate. It is not about correcting an error as suggested by the applicant, rather it asks for a variation of the distribution that was passed by the court on 30<sup>th</sup> September 2008.
6. I am not satisfied that the orders sought are available for granting. The application dated 10<sup>th</sup> April 2014 is therefore hereby dismissed.

**DATED, SIGNED and DELIVERED at NAIROBI this 18<sup>TH</sup> DAY OF DECEMBER, 2015.**

**W. MUSYOKA**

**JUDGE**