



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

Succession Cause 27 of 1997

ESTATE OF JOSEPH KIAMA RUMEN..... DECEASED AND

ANNAH NYAKIHU KIAMA

ISAAC RUMEN KIAMA

STEPHEN RUMEN KIAMA

GEOFFREY RUMEN KIAMA..... PETITIONERS

RULING

Pursuant to rule 43 of the Probate and Administration rules, Ann Nyakihu Kiama, the applicant herein, took out a summons and applied for the grant to be rectified. She swore the affidavit she filed in support of the application.

In the supporting affidavit, Ann Nyakihu Kiama, avers that the grant was confirmed in her name and that of Margaret Njeri Kiama on 23rd April 2008. It is averred that it has since then occurred that some of the deceased's assets were excluded from the succession proceeding hence they have not been distributed. The assets left out were listed as follow in paragraph 4 of her affidavit:

PLOTS i. LAND IR 10119 LR. 2870/9 Term 99 years from 1.1.1919

ii. LAND IR 10749 LR. 2870/6 Term 99 years from 1.1.1919

iii. LAND IR 10750 LR. 2870/7 Term 99 years from 1.1.1999

iv. LAND IR 10751 LR. 2870/8 Term 99 years from 1.1.1919

v. LAND IR 10748 LR. 2870/5 Term 99 years from 1.1.1919

a. LAIKIPIA/KALALU/5

b. NANYUKI/MARURA/4/4/KIMURI

c. PLOT NO. 28 NANYUKI MUNICIPALITY

d. PLOT NO. 2787/VII/5 BLOCK 10/107

e. LAIKIPIA/DAIGA/UMANDE BLOCK 111/4(MURAMATI

BANK ACCOUNTS

a. Standard Chartered of Kenya Ltd.- Nanyuki – 01501-587856-00

b Kenya Commercial bank Ltd Nanyuki – 055-276 760 328

c. Barclays bank of Kenya Ltd. Nyeri - 7105756

d. Barclays Bank of Kenya Ltd. Nyeri - 7105764

e. Barclays Bank of Kenya Ltd. Nyeri - 8019888 SHARES

a. Mt. Kenya Bottlers share number - 2019545 – 2032043

844101 – 849933

275001 – 277500

b. Standard Chartered Bank Ltd. - 10959

c. Barclays Bank of Kenya Ltd. - 0009829

The applicant has also shown how the aforesaid property would be distributed in paragraph 6 of her affidavit.

After careful consideration of the application, I am convinced the certificate of confirmation of grant should be rectified as proposed. It would appear the property were left out from the succession proceedings inadvertently .

In the end I allow the summons for rectification of grant as prayed.

Dated and delivered this 13th day of January 2010.

J.K. SERGON

JUDGE

In open court in the presence of the petitioner.

J.K. SERGON

JUDGE