



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Succession Cause 948 of 1997**

**IN THE MATTER OF THE ESTATE OF JOSPHAT KARANI MWAI ALIAS MWAI**  
**KARANI ALIAS MWANIKI MUNENE**

**R U L I N G**

I have considered the Summons for rectification of grant dated 14<sup>th</sup> September, 2009 herein, as well as the documents filed. I will not grant the orders sought. The reason is that the consent to amend the mode of distribution is not specific on what amendments are intended. It merely refers to an affidavit of **MARY NJERI MWAI** which is not identified or identifiable.

The second reason why I will not grant the orders sought in the application is that assuming the affidavit intended to be referred to is the affidavit in support of the application which was filed, then there is a glaring error relating to date. The consent is dated 11<sup>th</sup> July 2009, while the affidavit was sworn on 14<sup>th</sup> September, 2009. In my view, the affidavit referred to should have existed before the consent was made.

The affidavit should have existed on 11<sup>th</sup> July, 2009. The consent cannot therefore refer to the affidavit which was sworn later on 14<sup>th</sup> September, 2009.

On the above two grounds, the application for rectification of grant has to be dismissed. I dismiss the same. The applicant can file a fresh application for rectification, if she chooses to do so.

Dated and delivered at Nairobi this 16<sup>th</sup> day of March, 2010.

**George Dulu**  
**Judge.**