



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KITALE
Probate & Administration 5 of 2008

IN THE MATTER OF THE ESTATE OF JOHN GITHUA MUCHIRI....DECEASED.

AND

LUCIA KIBUI MUCHIRIAPPLICANT.

RULING.

By summons for rectification of grant, pursuant to rule 43 of the Probate and Administration Rules, the applicant seeks orders:-

1. THAT, the grant of letters of administration issued to LUCIA KIBUI MUCHIRI in this matter on the 27th November, 2008 be rectified in the following respects as provided for under rule 43 (1) of the Probate and Administration Rules:
2. THAT, Plot No. 2175, 2204 and 3695 Tuwan Farm, Urban Project and shares at Rongai Ngwataniro Company Limited be included in the list of property which forms part of the estate of the deceased.
3. THAT, costs of this application be provided for WHICH TheaAPPLICATION is predicated upon the annexed affidavit of LUCIA KIBUI MUCHIRI sworn on the 1st day of September, 2009.

The application is based on the grounds that certain properties of the deceased inadvertently were left out of the schedule for distribution, namely, plots No. 2175, 2204 and 3695 Tuwan Farm, Urban Project and shares at Rongai Ngwataniro Company Ltd.

I was urged, on behalf of the applicant, that letters of administration was issued on 27th November, 2008. That unfortunately, the said grant contains errors. Properties known as plot No. 2175, 2201, 2204 and 3695 Tuwan Farm and Urban Project and shares at Rongai Ngwataniro Company Ltd Project were left out of the schedule for distribution. In order to complete the process, it is necessary that the errors be rectified by the court.

I have carefully analysed the evidence in support vis-à-vis the law on the point and is of the persuasion that the application is merited.

Accordingly, there shall be orders in terms of prayer 1 and 2 of the application. There shall be no orders as to costs.

ated and delivered at Kitale this 1st day of July, 2010.

N.R.O. OMBIJA.

JUDGE.