



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KITALE
Probate & Administration 328 of 1998

IN THE MATTER OF ESTATE OF KIPKURGAT KAPTIBIN.....DECEASED.
A N D
STEPHEN KIPKEMOI KURGAT.....APPLICANT.

R U L I N G.

By summons to rectification of grant dated 7th December, 2009, pursuant to rule 43 of the Probate and Administration Rules, the applicant seeks orders:-

- (1) THAT, the certificate of confirmation of grant issued to STEPHEN KIPKEMOI KURGAT in the matter on 14th April, 2005 be rectified for the following reasons:
 - (a) THAT, the names of the deceased be rectified from KIPKURGAT KAPTIBIN to read KURGAT KIPTIAN TEGUROI.
 - (b) THAT, the names used during application for death certificate were KIPKURGAT KAPTIBIN while title deed in parcel number CHERANGANY/KAPCHEROP/1766 read KURGAT KIPTIAN TEGUROI.
 - (c) THAT, the costs of this application shall be provided for.

The application is based on the grounds that the memos of the deceased be rectified from Kipkurgat Kaptibin to read Kurgat Kiptiani Teguroi.

It was urged, by the applicant, that the names used during the application for death certificate were Kipkurgat Kaptibin while the title deed of parcel number Cherangani/Kapcherop/1766 read Kurgat Kiptian Teguroi. Hence there is need for rectification to facilitate the finalisation of the distribution exercise.

I have secured the evidence in support of the application and is of the view that there is need for rectification. Accordingly, the names of the deceased shall be rectified to read Kurgat Kiptian Teguroi. There shall be no orders as to cost. Dated and delivered at Kitale this 1st day of July, 2010.

N.R.O. OMBIJA.
JUDGE.
N/A for Applicant.