



**REPUBLIC OF KENYA
HIGH COURT OF KENYA AT NAIROBI (MILIMANI LAW COURTS)
SUCCESSION CAUSE 2596 OF 2008
IN THE MATTER OF THE ESTATE OF THE LATE MWANGI KIOI – (DECEASED)**

RULING

Before me is a Summons dated 21st May, 2009 filed by M/s Kiarie Kariuki & Associates advocates on behalf of the applicants **CHRISTOPHER KIOI** and **NANCY WAMBUI WAWERU** the administrators of the estate of the late **MWANGI KIOI**. The application was filed on 25th June, 2009 and the orders sought are as follows-

- 1. *The grant of letters of administration issued to the said CHRISTOPHER KIOI and NANCY WAMBUI WAWERU in this matter on 20th day of November, 2008 be rectified as provided for by Rule 43(1) of the Probate and Administration Rules.***

- 2. *Costs of this application be provided for.***

The rectification required was not on the face of the application as it should have been. However, it appears to be contained in paragraph 2 of the affidavit in support of the application, in which it is deponed jointly by the applicants as follows-

- “2. *THAT the said grant be rectified to include substitution of a case No. 375 of 2007 – Business Rent Tribunal Case No. 375 of 2007 – Stephen Wanyee Roki Tenant/Applicant –vs- Mwangi Kioi – Land lord/Respondent.***

Annexed to the affidavit are documents which shown that the respondent in the subject case in the Business Premises Rent Tribunal the deceased herein Mwangi Kioi. I really find no reason to decline to grant the orders sought. It is only fair and just that I grant the orders sought to protect or safeguard the interest of the estate and beneficiaries.

For the above reasons, I allow the application and order as follows-

1. The grant of letters of administration issued to CHRISTOPHER KIOI and NANCY WAMBUI WAWERU in this matter on 20th day of November 2008 is hereby rectified to include substitution in the case Nairobi Business Rent Tribunal Case No. 375 of 2007. Stephen Wanyee Roki Tenant/Applicant –vs- Mwangi Kioi – Landlord/Respondent.

2. Costs in the cause.

It is so ordered.

Dated and delivered at Nairobi this 10th day of February, 2009.

George Dulu
Judge.