

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT ELDORET

Succession Cause 182 of 2001

IN THE MATTER OF THE ESTATE OF ERICK KIHIMAH (DECEASED)

RULING

This is an application by **PRISCILLA INGAIZA**, the Petitioner herein for orders that the Grant issued to her in respect of the estate of **ERICK KIHIMAH** on 14th February, 2002 and which was confirmed on 30th January, 2003 be rectified.

The deceased died on 21st July, 2000. The Applicant applied for the Grant of Letters of Administration in respect of the estate of the deceased which was issued on 14th February, 2002 and confirmed on 30th January, 2003 in terms as indicated in the Certificate of Confirmation. She has now realized that there were three (3) plots which were erroneously omitted during Confirmation which ought to have been included in the assets of the estate of the deceased. She has produced Certificates of Occupation in respect of the said plots which bear the names of the deceased.

Having considered the application in light of the affidavit evidence on record as well as the annexures, I am satisfied that the Applicant has merit and the orders sought ought to be granted.

Accordingly, I allow the application in terms of paragraphs 1, 2 and 3 of the Summons for Rectification of Grant dated 22nd July, 2009.

DATED AT ELDORET THIS 19TH DAY OF OCTOBER, 2009.

J. L. A. OSIEMO

JUDGE