



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT KERICHO  
Succession Cause 183 of 2007**

1. Family Law
2. The Law of Succession
3. Rectification of Grant
  - a) Full grant issued 31<sup>st</sup> July, 2009 (Ang'awa J).
  - b) Registry did not mention the Bank Account number on the letter of confirmed grant.
  - c) Error.
  - d) That the confirmation of grant be rectified to include the Account number on grant (P&A form 110, form 13) Rule 43 (1).
  - e) 2<sup>nd</sup> prayer to transfer account from Nairobi to Bomet.
4. **Held**
  - a) Certificate of confirmation of grant rectified to include Bank Account number.
  - b) Transfer of account to Barclays Bank at Bomet declined.

7. **Case Law** - Nil

8. **Advocate**

M/S J.M. Motanya & Co. advocate for the Petitioner - present

**IN THE MATTER OF THE ESTATE OF**

**STANLEY KIPKEMOI CHEPKWONY .....DECEASED**

**AND**

**WINNY CHEMUTAI CHEPKWONY ..... 1<sup>ST</sup> PETITIONER**

**GEOFFREY KIPCHIRCHIR BIEGON ..... 2<sup>ND</sup> PETITIONER**

**RULING**

**NO. 2**

**Rectification of grant**

**I: Procedure and Practice**

1. On the 31<sup>st</sup> July, 2009 at Kericho, this Court confirmed the letters of grant intestate issued on 8<sup>th</sup> November, 2007 (Kimaru J).
2. The deceased, a male adult aged 44 years old on 29<sup>th</sup> April, 2007 died intestate and left behind a widow and five minor children.
3. The only assets the deceased held was benefits from his employer. When the grant was confirmed the Bank account was not reflected on the certificate of confirmed grant. This was an error on the part of this Court.
4. The advocate for the applicant filed form 110 and form 13 being a summons for rectification of grant and an affidavit respectively seeking prayers under **rules 43(1)** for the Probate and Administration rules to correct and include the Bank Account number.
5. This account number must at all times be stated on the confirmed certificate of grant first as assets which are land is stated on a certificate the LR. number of the property. At all times the correct LR number and or Bank account number must be named on form P&A 5.
6. The two administratrix/administrators did mention this in their form P&A 5 as No. 753684131 Moi Avenue Branch.

**II: 2<sup>nd</sup> limb**

7. The prayers then had another limb and that is to transfer the account from the Bank Branch at Moi Avenue to the Branch at Bomet as this would be convenient to parties.

8. With due respect, this second limb of prayer is not a rectification under **rules 43(1)** of the P&A rules.

9. Most of the funds from the benefit was placed aside for the minor children to be invested for their benefit till they attain the age of majority.

**III: Findings**

10. The prayers for the rectification of grant to include the bank account is granted.

11. The prayers to transfer the bank account is declined having been brought under the wrong rules.

12. Costs in the estate.

**DATED** this 18<sup>th</sup> day of November, 2009 at **KERICHO**

**M.A. ANG'AWA**

**JUDGE**

**Advocate**

M/S J.M. Motanya & Co. advocate for the Petitioner - present