

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KISUMU
Succession Cause 993 of 2004

IN THE MATTER OF THE ESTATE OF HENURE OTIENO OBILO - DECEASED

AND

IN THE MATTER OF AN APPLICATION BY:

1. **SAMSON ODOYO OTIENO - APPLICANT**
2. **KEPA ODHIAMBO OWIYO - APPLICANT**

RULING:

The application is made pursuant to Section 4 of Cap 160 and Rule 43(1) of the Probate and Administration Rules and is for orders that the certificate of confirmation of the grant issued herein to **Samson Odoyo Otieno** and **Keya Odhiambo Owiyo** (applicants) on the 8th May 2007 be verified.

The grounds in support of the application are that the certificate of confirmation of grant issued on 8th March, 2007 is full of errors in respect of the name of one administrator in that the name of one **Kefa Odhiambo Owino** ought to be rectified to read **Kefa Odhiambo Owiyo** and in respect of the schedule of the property in that the property known as: **KISUMU/NYALUNYA/2920** ought to be rectified to read **KISUMU/NYALUNYA/2969**.

The application is supported by the facts contained in the supporting affidavit deponed by both applicants which more or less confirms the aforementioned grounds and the errors accruing. A perusal of the copy of the material certificate of grant confirms that the name **Kefa Odhiambo Owino** is used instead of **Kefa Odhiambo Owiyo** and that the property is described as **KISUMU/NYALUNYA/2920** instead of **KISUMU/NYALUNYA/2969**.

The application for confirmation of the grant of letter of administration granted to the applicants refers to the name **KEFA ODHIAMBO OWINO** and the property **KISUMU/NYALUNYA/2969**. The application is dated 13th December, 2005.

A copy of the grant of Letters of Administration contained in the Court's record refers to the name of **Kefa Odhiambo Owiyo** and not **Kefa Odhiambo Owino**.

The Court is thus satisfied that the certificate of confirmation of grant issued on 8th March 2007 is laden with topographical errors as specifically described and needs to be rectified accordingly.

The application is therefore allowed to the extent that the said certificate of confirmation be rectified in the manner desired.

Dated and delivered at Kisumu this 20th day of February, 2008.

J. R. KARANJA

JUDGE

JRK/mo