In re Estate of Marco Mang'erere (Deceased) (Succession Cause 6 of 2021) [2025] KEHC 1271 (KLR) (19 February 2025) (Ruling)

Neutral citation: [2025] KEHC 1271 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT KISII

SUCCESSION CAUSE 6 OF 2021

TA ODERA, J

FEBRUARY 19, 2025

IN THE MATTER OF THE ESTATE OF MARCO MANG'ERERE - DECEASED

RULING

1. Samuel Mauto Onyango the petitioner herein filed summons for rectification of grant dated 19.8.24 seeking rectification of grant to correct clerical errors on acreage of beneficiaries.

2. However, upon perusal of the supporting affidavit he seeks to Substitute a beneficiary one Naftali with Lilian and also to change distribution, for instance land parcel Wanjare /Bokeire /1780 and 1781 was to be inherited by all the beneficiaries but now they propose that it goes to Charles Nyakwara Nyagwenia as a whole.

3. Section 74 of the *Law of succession Act* does not envision redistribution but correction of errors in names, acreage etc. There are also no letters of administration allowing Lilian to act for the estate of Naftali. The orders sought cannot issue in the instant application. The application is struck out.

T.A ODERA

JUDGE

19.2.25

DELIVERED VIRTUALLY VIA TEAMS PLATFORM IN THE PRESENCE OF:

All the beneficiaries save for Naftali

Court Assistant - Oigo