



REPUBLIC OF KENYA



In re Estate of Harun Karugu Kamau (Deceased) (Succession Cause 80 of 2011) [2025] KEHC 2468 (KLR) (6 February 2025) (Ruling)

Neutral citation: [2025] KEHC 2468 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 80 OF 2011
SM MOHOCHI, J
FEBRUARY 6, 2025
IN THE MATTER OF THE ESTATE OF HARUN KARUGU KAMAU (DECEASED)
IN THE MATTER OF
MARY MUTHONI KAMAU APPLICANT**

RULING

1. Before me is Summons for rectification of grant by the Administrator/Applicant dated 3rd July 2024 filed pursuant to Rule 43 and 73 of the Probate and Administration the Grant of letters of Administration of the estate of the Harun Karugu Kamau (Deceased) issued on 6th December, 2021 be rectified.
2. That, there is need to include the land parcel No. Nakuru Municipality Block 25/8 which was erroneously omitted on the Grant of Letters of Administration and Certificate of Confirmation of Grant.
3. The Application is premised grounds that, the Grant of Letters of Administration was issued on 23rd May, 2015 and confirmed on 6th December, 2021.
4. That, there is need to include land parcel No. Nakuru Municipality Block 25/8 which was erroneously omitted on the Grant of Letters of Administration and Certificate of Confirmation of Grant.
5. The motion under certificate of urgency was with insufficient evidence that elicited this Court's directions on the 27th July 2024 to furnish and exhibit proof of ownership by the deceased and proof of transaction of sale between the deceased and the Registered Trustees Full Gospel Churches of Kenya (Nakuru Workers Branch).
6. By a supplementary sworn affidavit of Mary Muthoni Kamau the administrator dated 1st November 2024 depones that, the Court confirmed the Grant Issued on 23rd May, 2021 on 6th December, 2021, allowing distribution of the properties earmarked on the application dated 2nd November, 2021,



inadvertently left out Nakuru Municipality Block 25/8 measuring 0.080 of a hectare as is exhibited by the copy of certificate of lease.

7. That, all the properties listed on the certificate of confirmed grant issued on 6th December, 2021 have been transmitted and/or distributed as directed by this Court and that, the only property remaining is the subject of this Application.
8. That, at the time of the said application, it was common knowledge among the beneficiaries of the Estate that, the said property had been sold to the Registered Trustees Full Gospel Churches of Kenya.
9. That, as a consequence, thereof, the deceased, who was a member of the said Registered Trustees Full Gospel Churches of Kenya surrendered the title to the church officials and thus the same was not in the Applicant's custody.
10. That, the church has following the confirmation of grant made on 6th December, 2021 requested that the property herein which is still registered in the deceased name be included in the rectified grant to enable them get a title deed transmitted to the church.
11. That, they have the consent of the other beneficiaries to have the Court rectify the grant of confirmation to include the subject property in favor of the Registered Trustees Full Gospel Churches of Kenya.
12. This Court notes of the exhibited certificate of lease in favor of the deceased for a term of ninety-nine (99) from 1st August 1988, issued posthumous on the 5th of December 2013.
13. By a sale agreement dated 2nd February 2006, the Deceased sold his interest in Nakuru Municipality Block 25/8 to the Registered Trustees of the Full Gospel Churches of Kenya (Nakuru Workers Branch) at a consideration of the Shillings Five Hundred Thousand (sh.500,000/).
14. The aforesaid agreement had terms affirming surrender of possession to the purchasers and an obligation upon the purchasers to pay the outstanding rent and rates. stamp duty, registration, lease and advocate's fees.
15. Upon considering the Summons for rectification of grant, the supporting Affidavits and annexed exhibits and having heard Ms Temba Advocate, this Court is persuaded to find favor with and allow the Application dated 2nd November 2024 for the following reason.
16. The Applicant has ably demonstrated that the property Nakuru Municipality Block 25/8 is registered in the name of the deceased and as such form part of the estate warranting the rectification to include the same. And that it was sold in the lifetime of the deceased to Registered Trustees of the Full Gospel Churches of Kenya (Nakuru Workers Branch).
17. The Court is equally persuaded that, the Registered Trustees of the Full Gospel Churches of Kenya (Nakuru Workers Branch) has been in occupation of the said property Nakuru Municipality Block 25/8 since 2nd February 2006.
18. I am thus inclined to issue the final resultant orders;
 - i. Land parcel No. Nakuru Municipality Block 25/8 is in the name of the deceased and thus forms part of the estate of the deceased the same is accordingly included in this probate.
 - ii. A Rectified Grant of Letters of Administration and a Rectified Certificate of Confirmation of Grant shall be issued.



- iii. Land parcel No. Nakuru Municipality Block 25/8 shall be transmitted to the Registered Trustees of the Full Gospel Churches of Kenya (Nakuru Workers Branch)
- iv. The Registered Trustees of the Full Gospel Churches of Kenya (Nakuru Workers Branch) shall pay All the outstanding rent and rates. stamp duty, registration, lease and advocate's fees.
- v. This being the only Property not yet distributed noting that all bequests to beneficiaries have been distributed, the administrator shall only then be expected to forth with prepare and execute the requisite transmission forms within sixty (60) days from the date of this ruling.
- vi. This Court shall assign a mention date after sixty (60) days to confirm execution of the transmission forms and to mark the estate as settled and mark the probate as closed.

It is so ordered.

SIGNED, DATED AND DELIVERED ON THIS 6TH DAY OF FEBRUARY 2025

Mohochi S.M

JUDGE

