



REPUBLIC OF KENYA



**In re Estate of Nicholas Kamau Kariba (Deceased) (Succession Cause
2580 of 1995) [2025] KEHC 3329 (KLR) (Family) (11 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3329 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 2580 OF 1995
EKO OGOLA, J
MARCH 11, 2025
IN THE MATTER OF THE ESTATE OF NICHOLAS KAMAU KARIBA (DECEASED)**

**IN THE MATTER OF
RACHEL NJERI KAMAU 1ST APPLICANT
PHILIP NDUNG’U KAIRU 2ND APPLICANT**

RULING

1. What is before this court for determination is a summons for rectification of a grant dated 21st January 2025. The applicants pray for the Certificate of Confirmation of grant issued on 6th December 1996 and rectified on 9th March 2018 be rectified in the following way:
 - a. That the names of the children be amended as follows:
 - i. Josephine Wambui to read Josephine Wambui Kamau
 - ii. Miriam Wanjiru to read Miriam Wanjiru Kamau
 - iii. Bernice Wairimu to read Bernice Wairimu Kamau
 - b. Title No. Dagoretti/Riruta/2226 to read as Nairobi/Block 66/2226 formerly (Dagoretti/Riruta/2226)



Name	Description Of Property	Share OF Heirs
Rachel Njeri Kamau	Dagoretti/Riruta/2226 to read as Nairobi/Block 66/2226 (former Dagoretti/Riruta/2226)	Josephine Wambui to read Josephine Wambui Kamau Miriam Wanjiru to read Miriam Wanjiru Kamau Bernice Wairimu to read Bernice Wairimu Kamau

- c. That costs be in the cause.
2. Rectification of grants is provided for in Section 74 of the *Law of Succession Act*, and Rule 43(1) of the *Probate and Administration Rules*. Section 74 provides as follows:

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“74. Errors may be rectified by court:

Errors in names and descriptions, or in setting forth the time and place of the deceased’s death, or the purpose in a limited grant, may be rectified by the court, and the grant of representation, whether before or after confirmation, may be altered and amended accordingly.”

3. Rule 43(1) provides as follows:

“Where the holder of a grant seeks pursuant to the provisions of section 74 of the Act rectification of an error in the grant as to the names or descriptions of any person or thing or as to the time or place of death of the deceased or, in the case of a limited grant, the purpose for which the grant was made, he shall apply by summons in Form 110 for such rectification through the registry and in the cause in which the grant was made.”

4. From the language of section 74 and Rule 43(1), the scope of rectification of grants of representation is limited to errors in names and descriptions of property. The applicants have met the threshold as stipulated in Section 74 and Rule 43(1) aforementioned.
5. The upshot is that the Summons for Rectification dated 21st January 2025 is allowed. The Certificate of Confirmation of Grant be rectified as prayed. Costs be in the cause.

Orders accordingly.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11TH DAY OF MARCH 2025

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E.K. OGOLA

JUDGE

In the presence of:

Ms. Njoki for the Applicants

Ms Gisiele M court Assistant

