



REPUBLIC OF KENYA



In re Estate of the Late Kimani Runyori (Deceased) (Succession Cause 212 of 1982) [2025] KEHC 7083 (KLR) (22 May 2025) (Ruling)

Neutral citation: [2025] KEHC 7083 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 212 OF 1982
SM MOHOCHI, J
MAY 22, 2025**

IN THE MATTER OF THE ESTATE OF THE LATE KIMANI RUNYORI (DECEASED)

IN THE MATTER OF

MIRRIAM NJERI KIMANI APPLICANT

RULING

1. By Summons for Rectification Grant dated 12th July, 2024 brought under Sections 47 and 74 of the [Law of Succession Act](#) and Rules 43 of the [Probate and Administration Rules](#). The Applicant seeks:
 - i. Spent
 - ii. That this Honourable Court be pleased to amend and or rectify the letters of administration granted to Margaret Waruguru Kimani (deceased) on 6th October, 1993 and confirmed on 18th January, 1995 by:-

Amending and or rectifying the heir of 8 acres to be exercised from plot No. 116 Bahati Scheme from Margaret Waruguru Kimani (Deceased) to:

Stanely Kimani Kagimbi Grandson

Miriam Njeri Kimani Daughter

Lucy Wanjiru Kimani Daughter

Grace Njeri Kimani Daughter

Serah Wamwagu Kimani Daughter

Ann Wambui Kimani Daughter

Teresiah Wanjiku Kimani Daughter



2. The Application was premised on the grounds on the face of it and the Supporting Affidavit of Miriam Njeri Kimani of even date. It was deponed that she is the daughter of the late Margaret Waruguru Kimani who died on 20th March, 2007.
3. That Letters of Administration were issued to Margaret Waruguru Kimani on 6th October, 1993 and confirmed on 18th day January, 1995. That all the beneficiaries have consented to the rectification.

Analysis and Determination

4. I have considered the Application the grounds thereto and the applicable law. The primary issue is whether the application meets the test of time.
5. The brief facts of this Cause are that the deceased herein Kimani Runyori died intestate on the 30th of June, 1992. The Grant of Letters of administration were issued to his widow Margaret Waruguru Kimani on 6th October, 1993 and confirmed on 18th day January, 1995. The said Administrator passed away on the 20th of March 2007 having not fully completed the Administration.
6. The deceased administrator was substituted by a limited Grant and a fresh grant of letters of administration de bonis non was issued to the Applicant Miriam Njeri Kimani the daughter of the deceased herein and the deceased administrator by this Court on 9th of May, 2024.
7. *In re Estate of Harjit Singh Brah alias Harjit Singh Nihal (Deceased)* [2023] KEHC 25531 (KLR) the Court stated that :-

“It is worth noting that there is no specific provision in the *Law of Succession Act* which provides for substitution of a single deceased administrator/executor or deceased administrators or executors. In case of such a scenario, Section 76 (e) comes into play and a fresh grant of letters of administration de bonis non is sought and issued.”
8. The Applicant herein is seeking to rectify the Confirmed Grant for the 8 acres to be exercised from plot No. 116 Bahati Scheme and distributed to the children pf the deceased so as to complete the administration of the estate.
9. The mode proposed by the Applicant has been consented by the beneficiaries named in the Chief’s letter dated 13th June, 2023 as per the annexed consent to rectification and amendment of grant dated 12th July, 2024.
10. The Applicable law in rectification of Grants is Section 74 of the *Law of Succession Act* and Rule 43 (1) of the *Probate and Administration Rules*. Section 74 grants the Court power alteration or amendment errors in names and descriptions or in setting out the time and place of the deceased’s death, or the purpose in a limited grant. Rule 43(1) provides for the procedure to move the Court.
11. There has been no objection to the grant being rectified to include the listed beneficiaries of the estate now that the widow of the deceased is also deceased.
12. From the foregoing, it is only prudent and reasonable therefore that the Court allows the Application in order to complete the distribution process of the estate which has been pending for over 30 years.

It is ordered.

DATED, SIGNED AND DELIVERED AT NAKURU ON THIS 22ND DAY OF MAY 2025

MOHOCHI S. M.



JUDGE

