



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Wildred Gitau Munge - (Deceased) (Succession Cause
1030 of 2008) [2025] KEHC 6178 (KLR) (Family) (15 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6178 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1030 OF 2008
SN RIECHI, J
MAY 15, 2025
IN THE MATTER OF THE ESTATE OF WILFRED GITAU MUNGE - (DECEASED)

RULING

1. This is an application dated 4.10.2024 by the applicant Esther Nyaguthii Gitau seeking the following orders;
 1. That there be a review of this Honourable Court's Judgment issued on the 23rd of August 2024.
 2. That upon granting prayer 1, there be an order rectifying the orders and the terms of the confirmation of the grant issued on the 23rd of August 2024 as follows:
 - a. That the grant be confirmed with the following mode of distribution:



Name	Description of Properties	Share of Heirs
1. The estate of Edwin Ndichu Gitau 2. The estate of Kenneth Mwathi Gitau 3. The estate of Lincoln Mumira Gitau	$\frac{3}{4}$ of the Upper Portion of Dagoretti/Mutuini/ 189	Jointly in equal shares
The families of the six daughters of the deceased will jointly own the portion. These are: 1. The estate of Winfred Nyokabi Kimani 2. Wangui Gitau 3. Leah Gachiku Mulokwa 4. The estate of Irene Njoki Gitau 5. Joan Karungari Njoroge 6. Nancy Ruguru Kinuthia	$\frac{1}{4}$ of the Upper Portion of Dagoretti/Mutuini/189 where their mother the late Sybilla Wanjiru Gitau (deceased) residence stands	Jointly in equal shares
1. The estate of Winfred Nyokabi Kimani 2. The estate of Edwin Ndichu Gitau 3. The estate of Kenneth MwathiGitau 4. Wangui Gitau 5. Leah Gachiku Mulokwa 6. The estate of Irene Njoki Gitau 7. Joan Karungari Njoroge 8. The estate of Lincoln Mumira Gitau 9. Nancy Ruguru Kinuthia	The lower part of Dagoretti/Mutuini/189	To be sold and the proceeds to be shared equally among all the beneficiaries or their surviving families.

2. The grant for the application is that there is an error apparent on the face of the record, as the Judgment in its body dismissed the protest and the Protestors mode of distribution. However, in the conclusion the Judgment distributed the property as per the Protested mode of distribution instead



of the distribution by the administrators. Applicant contends that this was an error which this court can correct by review of the Judgment.

3. This is an application to this court to review the Judgment delivered in as there is an error apparent in record. A review can be granted whenever the court considers that it is necessary to correct an apparent error or omission in the part of the court. The error or omission must be self-evident and should not require argument to be established.

Order 45 CPR (Par 10)

(Wainaina v Busheki & 2 others C.A 9/2018 2024 KEHC 12791 KCR (Nakuru) Par. 16, 17

4. The Court upon hearing the parties on the protest by the protestor required both the administrators and the Protestor to file their preferred proposed mode of distribution. Both complied. The Court Considered the evidence. By the administrators and the Protest Wangui Gitau. The court found the administrators mode of distribution equitable. The court dismissed the protest. When the court confirmed the grant, the protestors mode of distribution which had been dismissed is the one indicated. This is clearly an error which is apparent on the face of record.
5. In the body of judgement, the Protest was dismissed together with her mode of distribution. It therefore follows that it is the administrators' proposal that was accepted. The typing of the protestors mode of distribution as in the confirmation was an error which error is self evidence and does not require argument to establish. I therefore review the judgment on distribution and distribute the estate of the deceased as hereunder:



Name	Description of Properties	Share of Heirs
1. The estate of Edwin Ndichu Gitau 2. The estate of Kenneth Mwathi Gitau 3. The estate of Lincoln Mumira Gitau	$\frac{3}{4}$ of the Upper Portion of Dagoretti/Mutuini/ 189	Jointly in equal shares
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DATED AT NAIROBI THIS 15TH DAY OF MAY, 2025

S. N. RIECHI

JUDGE

