



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of the Late John Kiptogom Ngososei (Succession Cause  
140 of 2003) [2025] KEHC 13044 (KLR) (22 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13044 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
SUCCESSION CAUSE 140 OF 2003  
RN NYAKUNDI, J  
SEPTEMBER 22, 2025  
IN THE MATTER OF THE ESTATE OF THE LATE JOHN KIPTOGOM NGOSOSEI  
(DECEASED)**

**IN THE MATTER OF  
HELLEN JESANG NGOSOSEI ..... PETITIONER**

**RULING**

1. This is an application brought to court on 22<sup>nd</sup> September, 2025 for summons for rectification of grant under Section 74 of Laws Succession Act cap 160 Laws of Kenya and all enabling provisions of the law seeking the following orders:
    - i. That the certificate of confirmation of Grant issued on 26<sup>th</sup> July, 2010 to Hellen Jesang Ngososei be rectified on the parcel of land to read L.R No. Moiben/Lolkinyei Block 6 (Lolkinyei) 96 measuring 8.65 Ha instead of L.R. No. Moiben/Loikinyei block 6 (Loikinyei) 96.24 Acres.
    - ii. That the costs be in the causeWhich Application is supported by the Affidavit of Hellen Jesang Ngososei the administrator herein, sworn and filed and is premised on the following grounds
    - a. That the certificate of confirmation of grant was issued on the 26<sup>th</sup> July, 2010
    - b. That there was a typing error on the certificate of confirmation of grant
  2. That instead of L.R No. Moiben Lolkinyei Block 6 (Lolkinyei ) 96 measuring 8.65 Ha, it was indicated as L.R No. Moiben/Loikinyei block 6 (Loikinyei) 96.24 Acres
- That this application is brought expeditiously and in good faith.



3. That I am female adult of sound mind and the petitioner/applicant herein, thus competent to swear this affidavit
4. That I was granted letters of Administration and Certificate of confirmation of Grant dated 26<sup>th</sup> July, 2010 which is now seek to amend.
5. That the parcel of land was wrongly indicated on the said certificate of confirmation of grant.
6. That I hereby seek orders for rectification to correct the certificate of confirmation of grant on the part of parcel of Land to read L.R No. Moiben/Lolkinyei Block 6 (Lolkinyei) 96 measuring 8.65 Ha instead of L.R No. Moiben/Loikinyei block 6 (Loikinyei) 96.24 Acres as pert annexed copy of the Title deed
7. That this affidavit is sworn in support of my application for rectification of Grant
8. That this application is made in good faith and in the interest of justice
9. That the contents of this affidavit are true to the best of my knowledge, information and belief.

### **Decision**

10. While considering the aforesaid application, this court is guided by the provisions of Section 74 of the Law of the Succession Act and Rule 73 (1) of the Probate and Administration Rules. It is also observed that by dint of Section 80 & 99 of the Civil Procedure Act, as read with Order 45 Rule 1 of the Civil Procedure Rules this court is bound to exercise jurisdiction within the limits of the statute to render a legal decision in matters of this nature.
11. Review proceedings as known in law is not an appeal it is exercisable within the Ambit of the following principles:
  - i. Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of the record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the points where there may conceivably by tow opinion
  - ii. Power of review may not be exercised on the ground that the decision was erroneous on merits
  - iii. Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate
  - iv. An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit
12. That the Applicant has demonstrated sufficient cause for this court to review grant of representation to correct the errors on the face of the record to give it efficacy, legitimacy and legality as an instrument to transmit the intestate estate of the deceased. For those reasons, the Deputy Registrar to initiate the amendment upon reinstatement of the Succession cause finally a certificate of confirmation of grant be issued forthwith to the Applicant. The Applicant shall file a probate account within 90 days from today's date to have the estate liquidated and her duties as an administrator be rendered moot, for the file to be marked as closed. The final Status Conference to be on 15.12.2025

**DATED, SIGNED AND DELIVERED AT ELDORET THIS 22<sup>ND</sup> DAY OF SEPTEMEBR, 2025.**

.....

**R. NYAKUNDI**



**JUDGE**

