



In re Estate of M’Nkanata M’Raria alias Nkanatha s/o Raria (Deceased) (Succession Cause 717 of 2011) [2024] KEHC 1140 (KLR) (8 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1140 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 717 OF 2011
TW CHERERE, J
FEBRUARY 8, 2024
IN THE MATTER OF THE ESTATE OF M’NKANATA
M’RARIA ALIAS NKANATHA S/O RARIA (DECEASED)
AND
IN THE MATTER OF AN APPLICATION FOR RECTIFICATION**

BETWEEN

FAITH KARIMI APPLICANT

AND

M’IKIARA M’RARIA PETITIONER

RULING

1. By Certificate of Confirmation of Grant dated 10th April, 2013, Deceased’s estate was distributed to among others one Francis Mbaabu M’Nkanata who subsequently died on 19th June, 2015 before the estate was transmitted.
2. By summons dated 07th February, 2023 supported by an affidavit sworn on even date, Faith Karimi (Applicant) prays that the Certificate of Confirmation of Grant dated 10th April, 2013 be rectified by substituting the name of her husband Francis Mbaabu M’Nkanata who died on 19th June, 2015 with her name.
3. The primary duty of the Probate Court is to distribute the estate of the deceased to the rightful beneficiaries. The orders sought in summons dated 07th February, 2023 do not relate to the administration of the estate of the deceased herein but the estate of the said his son Francis Mbaabu M’Nkanata
4. Having said that, the application to administer the estate of Francis Mbaabu M’Nkanata in the matter of the estate of M’Nkanata M’Raria Alias Nkanatha s/o Raria is untenable and is under the provisions



of section 74 of the *Law of Succession Act*, cap 160 Laws of Kenya and rule 43(1) of the *Probate & Administration Rules* disallowed.

5. Consequently, this court makes the following orders:

1. The Certificate of Confirmation of Grant dated 10th April, 2013 shall be rectified to the extent that the share in favour of Francis Mbaabu M’Nkanata shall vest in his estate.
2. A Rectified certificate of confirmation of grant shall issue accordingly
3. I notice that M’Ikiara M’Raria (Petitioner/Administrator) has for the last 10 years since the grant was confirmed not distributed the estate
4. M’Ikiara M’Raria (Petitioner/Administrator) is directed to distribute the estate in terms of the rectified grant and is put on notice that failure to comply with Section 83 of the *Law of Succession Act* cap 63 Laws of Kenya might result in revocation of the grant
5. Mention on 29th April, 2024 to confirm transmission

DATED AT MERU THIS 08^H DAY OF FEBRUARY 2024

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Applicant - Ms. Mugo for Gichunge Muthuri & Company Advocates

Petitioner/Administrator - N/A

