



**In re Estate of Abdul Majid Khan Kherdin alias Abdul Majid Khairdin (Deceased)  
(Succession Cause 23 of 2018) [2024] KEHC 2149 (KLR) (6 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2149 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
SUCCESSION CAUSE 23 OF 2018**

**RE ABURILI, J**

**MARCH 6, 2024**

**IN THE MATTER OF THE ESTATE OF ABDUL MAJID KHAN  
KHERDIN ALIAS ABDUL MAJID KHAIRDIN – DECEASED  
AND**

**IN THE MATTER OF AN APPLICATION BY MOHAMMED YAMIN  
KHAN, MOHAMED AKRAM KHAN, YASMIN QURESHI ALIAS YASMIN  
MAJID KHAN AND SAIRA TARIQ ALAM ALIAS SAIRA BANU ALAM**

**RULING**

1. On 11<sup>th</sup> November 2023, this court rectified the certificate of confirmation of grant issued on 28<sup>th</sup> February 2023.
2. The Administrators are back into court seeking for further rectification vide undated summons filed on 19<sup>th</sup> February 2024 on the ground that the acreage of the fixed assets (landed) properties was not indicated in the schedule of distribution and secondly, that they have discovered another asset which is Parcel No. LR No. Suna East/Wasweta/1/XXXX which was never included in the list of assets and that the beneficiaries have agreed to have the said asset sold and proceeds shared amongst the beneficiaries according to the percentage set out in the schedule.
3. As these are not contested proceedings and as no prejudice will be occasioned to any beneficiary since indication of the acreage will facilitate the survey and Registration of the respective shares of parcels of land in favour of the listed beneficiaries, and as inclusion of an asset left out is crucial noting that succession process is done only once for an estate of a deceased person, I hereby allow the summons for rectification of grant filed on 19<sup>th</sup> February 2024.
4. I set aside the earlier confirmation as amended on 17<sup>th</sup> November 2023 and substitute the same with an order further rectifying the certificate of confirmation of grant to include the acreage in (words) and the distribution of assets to include parcel No. LR Suna East/Wasweta/1/XXXX which has been agreed to be sold and proceeds shared amongst the beneficiaries according to the percentages set out



in the schedule, subject to the petitioner's advocate addressing the court on that schedule which is not clear. The registry will notify counsel for the applicants to appear before court on 20/3/2024 to give an explanation on the fresh schedule before the Certificate of confirmation is typed and signed.

5. A fresh further rectified certificate of confirmation of grant to issue.
6. Subject to the provisions of Section 83 of the *Law of Succession Act*, this file is now closed.
7. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 6<sup>TH</sup> DAY OF MARCH, 2024**

**R. E. ABURILI**

**JUDGE**

