



In re Estate of Clement Kamau Kimani (Deceased) (Succession Cause E076 of 2021) [2024] KEHC 5594 (KLR) (7 May 2024) (Ruling)

Neutral citation: [2024] KEHC 5594 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
SUCCESSION CAUSE E076 OF 2021**

A MSHILA, J

MAY 7, 2024

**IN THE MATTER OF THE ESTATE OF THE LATE CLEMENT KAMAU
KIMANI (DECEASED)**

IN THE MATTER OF

**TABITHA WAMBUI KIMANI 1ST APPLICANT
NAOMI WAMBUI KIMANI 2ND APPLICANT
DANIEL KIMANI KAMAU 3RD APPLICANT**

RULING

1. The application is dated the 20/02/2024 and is premised under the provisions of Section 74 of the [Law of Succession Act](#) and Rule 43(1) of the [Probate and Administration Rules](#); the Applicant seeks a review of the Order issued on the 28/07/2022 so as to include a newly discovered asset to be included in the estate of the deceased and it be distributed to the beneficiaries;
2. The application is supported by the grounds on the face of the application and on the Supporting Affidavit dated 20/02/2024 made by Tabitha Wambui Kimani, Naomi Wambui Kimani And Daniel Kimani Kamau; therein they depone that they are the joint administrators of the estate of the deceased and are duly authorized to make the affidavit;
3. The Applicants deposes they seek for the inclusion of a newly discovered asset known as land Plot No.148 PC MD Narok Township which was not included among the deceased's assets at the time of petitioning and Confirmation of the Grant; they pray that it be included and distributed in line with the Consent to Rectification Letter to the mode of distribution dated 20/02/2024; copy of the Allotment Letter is annexed to support the application;
4. The applicable law is found at Section 74 of the [Law of Succession Act](#) and Rule 43 of the [Probate and Administration Rules](#) – which allows a party who has discovered new and important matter or evidence after the orders were made to apply for review to the court that issued the orders;



5. Upon reading the application and hearing the submissions of counsel appearing for the Applicants, this court is satisfied that the prayers sought for review of the Order made on the 28/07/2022 is as envisaged under the provisions of the aforesaid provisions of the Law and is supported by a copy of the Allotment Letter.
6. This court finds that this is a proper case for granting of the order for review; the application is therefore found to be merited and is hereby allowed.
7. The order granted on the 28/07/2022 is hereby reviewed as follows;
 - i. Land Plot No.148 PC MD Narok Township be and is hereby included among the deceased's assets and it be distributed to Tabitha Wambui Kimani And Naomi Wambui Kimani in accordance with paragraph (3) of the Supporting Affidavit dated 20/02/2024.

Orders Accordingly

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 7TH DAY OF MAY, 2024

A. MSHILA

JUDGE

In the presence of;

Mourice - C/A

Muhuhu – for the Applicants

