



**Ombonya (Deceased) v Bidali (Succession Cause 212 of 2004)
[2024] KEHC 8386 (KLR) (10 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8386 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
SUCCESSION CAUSE 212 OF 2004**

**JM CHIGITI, J
JULY 10, 2024**

BETWEEN

JACOB MANJICHI OMBONYA (DECEASED) APPLICANT

AND

JOYCE ASAGI BIDALI RESPONDENT

RULING

1. The Applicant moved the court through the application dated 17th October, 2023 seeking the following orders: -
 1. That the Certificate of Confirmation of Grant issued to the Public Trustee in this matter on December 16, 2011 and as amended on September 21, 2022 be rectified and or Further Amended to include Land Parcel Title Number Miti Mingi/Mbaruk Block 5/798 and the aforesaid property transmitted to Joyce Asagi Bidali as provided for by Rule 43(1) of the Probate and Administration Rules:
 2. That subsequent to prayer (1) above, the Rectified Certificate of Confirmation be issued and the Administrator of the Estate be authorized/directed to execute all the necessary and attendant instruments so that the Land Parcel Title Number Miti Mingi/Mbaruk Block 5/798 is transmitted and registered in the name of Joyce Asagi Bidali and in Default thereof the Deputy Registrar or the Court Administrator to execute the requisite instruments/documents.
2. The application is supported by the Affidavit of Joyce Asagi Bidali. According to her the deceased died on 31st Day of May, 2003 after which the Public Trustee applied for, and a Grant of Letters of Administration Intestate was made/issued to the Public Trustee Grant of Letters of Administration Intestate that was confirmed by this Honourable court.



3. A Certificate of Confirmation of Grant was issued on 16th December, 2011 and amended on 21st September, 2022.
4. Land Parcel Title Number Miti Mingi/Mbaruk Block 5/798 that was owned by the Deceased was left out.
5. It is her case that there is no objection that the aforesaid property be transmitted to her.
6. She would like the aforesaid property to be included in the schedule of assets owned by the deceased.
7. She relies on the documents marked as INN(a) & (b) being a copy of the Identity Card and the Kenya Gazette confirming my identity and existence of the property.
8. She prays that the aforesaid inadvertent error and or omission be rectified.
9. It is her case that the dependents herein acknowledge receipt of payment in full for the sale of Land Parcel Title Number Miti Mingi/Mbaruk Block 5/798 that was owned by the Deceased and that they have no claim whatsoever on the said land.
10. She further argues that she has been in possession of the said land for almost ten (10) years now.
11. It is this court's finding that it has the power to issue the orders sought.

Order:

1. Prayer 1 is granted.
2. The dependents shall file consents to show that they have no objection within 14 days.
3. Mention on 23rd September, 2024 in Kisii High Court.

DATED, SIGNED, AND DELIVERED VIRTUALLY THIS 10TH DAY OF JULY, 2024

CHIGITI J (SC)

JUDGE

