



In re Estate of Martha Ndunge Kitolo (Deceased) (Succession Cause 20 of 2018) [2023] KEHC 676 (KLR) (1 February 2023) (Ruling)

Neutral citation: [2023] KEHC 676 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
SUCCESSION CAUSE 20 OF 2018
GMA DULU, J
FEBRUARY 1, 2023**

**IN THE MATTER OF
DAVID MUASYA MALONZA APPLICANT**

RULING

1. Before me is an application by way of Chamber Summons dated October 27, 2022 filed by the petitioner through counsel Judah Kioko & company for rectification of confirmed grant of letters of administration.
2. The application was brought under section 47, and 71(4) of the *Law of Succession Act* (cap.160), and Rule 43(1) and Rule 73 of the *Probate & Administration Rules* and seeks the replacement of a deceased administrator and revision of the distribution among beneficiaries of the only land asset.
3. The application was filed with a supporting affidavit sworn on October 27, 2022 by David Muasya Malonza in support of the prayers sought.
4. On the hearing date, John Mutua, Pius Muli and David Muasya Malonza attended court. These are the only persons to whom the only asset, land parcel Kibauni/Malunda/185 was distributed but in different portions to those proposed herein. They agreed to the request for rectification made in the application.
5. In those circumstances, I allow the application, and grant the rectification prayers sought.
6. I order that a rectified certificate of confirmed grant be issued accordingly.

DELIVERED, SIGNED & DATED THIS 1ST DAY OF FEBRUARY, 2023, IN OPEN COURT AT MAKUENI.

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GEORGE DULU

JUDGE

