



REPUBLIC OF KENYA



In re Estate of Shamira Shiraz Velji (Deceased) (Succession Cause 8 of 2019) [2023] KEHC 2360 (KLR) (22 March 2023) (Ruling)

Neutral citation: [2023] KEHC 2360 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 8 OF 2019
RE ABURILI, J
MARCH 22, 2023**

**IN THE MATTER OF
IN THE APPLICTION BY SHIRAZ SADRUDIN VELJI APPLICANT**

RULING

1. I have considered the Petitioner/Administrator's application dated January 18, 2023 and the submissions by Mr Jude Ragot Advocate. The application which is summons for rectification of grant seeks for rectification of grant issued on July 15, 2020 and as confirmed on October 17, 2022 to the effect that the deceased's and Petitioner's names were misspelt by the Registrar of Births and Deaths to read Verji instead of Velji.
2. I have read the record and the documents filed. The Will subject of this Probate cause provides the deceased's name to be Shamira Shiraz Velji. The properties subject of the Will are also registered in the said names. The property is Kisumu Municipality/Block 12/83.
3. However, the death certificate dated August 3, 2020 has the names Samira Shiraz Verji and the Petitioner's documents filed into court adopted the names contained in the death certificate. At the time of issuance of grant of probate, the said errors were replicated and so are the names of the Petitioner which should be Shiraz Sadrudin Velji and not Verji.
4. For the above reasons, I find that in order for the Petitioner to effectively administer the estate of the deceased, it is necessary to correct and rectify the typographical errors in the names of both the deceased testator and the Administrator of her estate. It is also in the interest of justice to do so.
5. In the premises, I find the application dated January 18, 2023 merited. I grant the prayers sought and proceed to rectify the grant issued on July 15, 2020 as confirmed on October 17, 2022 and order that the names of the deceased are hereby corrected to read Shamira Shiraz Velji not Samira Shiraz Verji.



6. In the same vein, the Certificate of confirmation of grant issued on 17th October 2022 is hereby rectified to the effect that the deceased's name shall be indicated as Shamira Shiraz Velji instead of Samira Shiraz Verji.
7. On the part of the Administrator, his name is equally misspelt as Verji instead of Velji. I hereby rectify the Petitioner/Administrator's name to read Shiraz Sadrudin Velji and not Shiraz Sadrudin Verji.
8. A fresh and rectified grant and fresh rectified certificate of confirmed grant to issue forthwith, with the correct names as rectified herein.
9. I so order and direct that this file is now closed subject to the requirements under section 83 of the *Law of Succession Act*.

Dated, Signed and Delivered at Kisumu this 22nd Day of March, 2023

R. E. ABURILI

JUDGE

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