



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Samuel Nderitu Wambugu (Deceased) (Succession Cause 1630 A of 2011) [2023] KEHC 19463 (KLR) (Family) (3 July 2023) (Ruling)

Neutral citation: [2023] KEHC 19463 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1630 A OF 2011
EKO OGOLA, J
JULY 3, 2023
IN THE MATTER OF THE ESTATE OF SAMUEL NDERITU
WAMBUGU (DECEASED)

RULING

1. Before the court is a Summons Application dated February 13, 2023 where the Applicant prays for the following orders:
 1. That the grant of letters of administration intestate made to Joseph Wambugu Nderitu And Banice Muthoni Ndiritu (now Deceased) In This Matter On February 13, 2012 And Confirmed On June 20, 2022 To Joseph Wambugu Nderitu be rectified and re-confirmed
 2. That the Kenya Commercial Bank Account Number be rectified from 68716614XXXX to 08716614XXXX and Co-operative shares from 100 to 1000
 3. That the costs of this application be provided for
2. The application is supported by the Affidavit of Joseph Wambugu Nderitu sworn on February 13, 2023.
3. The Applicant seeks to correct the Confirmation of Grant issued on June 20, 2022 so that the name the Kenya Commercial bank account reads 08716614XXXX instead of 6871661XXXX and the Co-operative Bank shares to read 1000 instead of 100. Section 74 of the [Law of Succession Act](#) provides that: -

Errors in names and descriptions, or in setting out the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the court.

Rule 43(1) of the [Probate and Administration Rules](#) provides that: -

Where the holder of a grant seeks pursuant to the provisions of section 74 of the [Act](#) rectification of an error in the grant as to the names or descriptions of any person or thing



or as to the time or place of the death of the deceased, or in the case of a limited grant, the purpose for which the grant was made, he shall apply by summons.

4. Rectification of a grant of Letters of Administration is therefore limited to matters set out under Section 74 of the Law of Succession Act. As per this provision rectification of grant deals specifically with correction of error which the court may order without changing the substance of the grant. This includes errors in names, description of any person or thing or an error as to the time or place of death of the deceased or the purpose for which a limited grant was issued. An error which is visualized under the Section is a mistake which may occur on the face of the grant like typing errors in names of persons or the things. A rectification seeking to include properties which were not in the schedule of the assets when filing the cause and not included in the grant may not fit in the matters provided under Section 74 of the Act.
5. The beneficiaries of the estate of the deceased have all consented to the said rectification. The error in the confirmed grant falls under the category of errors that can be rectified under Section 74.
6. In the circumstances I order that the Confirmation of Grant dated June 20, 2022 be rectified as follows:
 - a. Kenya Commercial Bank account number be rectified from 68716614XXXX to 08716614XXXX
 - b. The Co-operative Bank Shares be rectified from 100 shares to 1000 shares
7. The Summons Application dated February 13, 2023 is as a result allowed. Costs shall be in the cause.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 3RD DAY OF JULY 2023.

E.K. OGOLA

JUDGE

Ruling read and delivered in chambers online in the presence of:

Mr. Ondieki for the Petitioner/ Applicant

Ms. Gisiele Court Assistant

