



**In re Estate of M'mugaine M'ndubai (Deceased) (Succession Cause 390 of 2010) [2023] KEHC 22465 (KLR) (21 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22465 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 390 OF 2010  
EM MURIITHI, J  
SEPTEMBER 21, 2023  
IN THE MATTER OF THE ESTATE OF THE LATE M'MUGAINE M'NDUBAI  
(DECEASED)**

**IN THE MATTER OF  
JACOB NKUMBUKU M'MUGAINE ..... PETITIONER**

**RULING**

1. The court confirmed the grant of letters of administration intestate on November 2, 2011 for the distribution of the estate as shown in the schedule thereto among the beneficiaries of the deceased.
2. By an application by summons for rectification dated May 18, 2022, the beneficiaries through Jacob Nkumbuku M'Mugaine seeking rectification on the distribution of the land parcel No Nyaki/Giaki/93 to give effect to the distribution according to the ground sizes in view of "an error in distribution of the land parcel No Nyaki/ Giaki/93 which we noticed when the surveyor visited the ground who advised us that the distribution of the land parcel should be as per the ground and map since the land measurement got reduced by the two tarmac roads whereby the land is between two tarmac roads."
3. All the beneficiaries were in agreement as indicated on the consent signed and filed as well as by intimation to court when the matter came up for hearing as recorded, signed by the beneficiaries and countersigned by the court on December 13, 2022 and June 20, 2023.
4. The estate of the deceased beneficiary Julius Mutembei Mugaine have not to the knowledge of the court taken out letters of the administration to the estate of that deceased. In the rectified confirmed grant granted herein, the share of Julius Mutembei Mugaine shall be distributed to his estate for distribution in accordance with the succession of the said Julius Mutembei Mugaine when grant is issued in his estate.



## **Order**

5. Upon hearing the applicants and noting the concurrence of all the beneficiaries to the rectification of grant as proposed in the application dated May 18, 2023, the court makes an order for the rectification of the grant herein confirmed on for the distribution of the estate of the deceased in accordance with paragraph 3 of supporting affidavit of Jacob Nkumbuku M'Mugaine in the summons for the rectification of grant dated May 18, 2022 save that the share of 3.37 acres in LR No Nyaki/ Giaki/93 distributed to Julius Mutmbei Mugaine (deceased) shall be registered in the name of the estate of said deceased and remain so allocated for the distribution in accordance with succession proceedings and order of the court in a succession cause filed or to be filed in the matter of the estate of Julius Mutembei Mugaine (deceased).
6. There shall be no order as to costs.

Order accordingly.

**DATED AND DELIVERED ON THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 2023.**

**EDWARD M. MURIITHI**

**JUDGE**

**Appearances:**

Parties in Person.

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