



REPUBLIC OF KENYA



In re Estate of M'Inoti M'Kirigwa alias M'Inot M'Kirigwa (Deceased) (Succession Cause 308 of 2007) [2023] KEHC 22630 (KLR) (21 September 2023) (Ruling)

Neutral citation: [2023] KEHC 22630 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 308 OF 2007**

**TW CHERERE, J
SEPTEMBER 21, 2023**

**IN THE MATTER OF
SILAS KITHINJI INOTI 1ST ADMINISTRATOR
JAPHET MUTHURI INOTI 2ND ADMINISTRATOR**

RULING

1. By a ruling delivered on February 8, 2023, Otieno J. made the following orders:
 - a. A reading of section 74 show that the court needs not be moved before it can rectify a grant. That provision when read with Rule 73 of the Rules, give to court indubitable powers to purposes of meetings the ends of justice and preventing abuse of court process. I invoke the courts power, having read the application dated March 7, 2019 as well as the replying affidavit filed in opposition thereto and order that the certificate of confirmation of grant issued on December 5, 2019 be rectified as proposed in paragraph 6 of the Affidavit of Erastus Thurania Inoti sworn on March 7, 2019 and filed with application of even date.
2. No doubt the orders sought in the application dated June 7, 2023 have already been granted and all that the Applicants were required to do was to extract the grant in terms of the court order.
3. In my considered view, the application dated June 7, 2023 goes against the spirit of optimum utilization of judicial time and it is disallowed.
4. This matter shall be mentioned on December 14, 2023 to confirm compliance with the court orders issued on February 8, 2023.

DATED AT MERU THIS 21ST DAY OF SEPTEMBER 2023

WAMAE.T. W. CHERERE

JUDGE

Appearances



For Petitioners - Mr. Ondieki for J.O.Ondieki & Co. Advocates

For Interested Party - N/A for John Muthomi & Company Advocates

