



REPUBLIC OF KENYA



In re Estate of Blasto Okoro Ng'ong'o (Deceased) (Succession Cause 684 of 2010) [2023] KEHC 23185 (KLR) (4 October 2023) (Ruling)

Neutral citation: [2023] KEHC 23185 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 684 OF 2010
RE ABURILI, J
OCTOBER 4, 2023**

**IN THE MATTER OF
ALICE ALUOCH LWORA APPLICANT**

RULING

1. The application dated 18th April 2023 seeks for rectification of grant. The names of two applicants Daniel Otieno Aoyi and Rashid Juma Abillah were erroneously misspelt as 'Abila' and 'Aoi' respectively.
2. In my view, this is a clerical error that is rectifiable under Section 74 of the [Law of Succession Act](#). I grant the prayer as sought.
3. On the prayer that the Deputy Registrar signs the relevant documents of transfer of the portion due to the applications as the administrator has declined to sign the forms yet the certificate of confirmed grant dated 1st July 2019 has never been challenged, I observe that the law contemplates that distribution of the estate of the deceased should be completed in 6 months after confirmation of grant and in default, the court can recall the grant and revoke it especially where the Administrator fails to distribute the estate and give a true and accurate accounts to court in accordance with Section 83 of the [Law of Succession Act](#).
4. In this case, the survey has been done and the grant as confirmed has never been challenged.
5. Accordingly, I allow prayer No. 1 of the Chamber Summons dated 18th April 2023 and direct that this order be served on the Administrator Alice Aluoch Lwora to sign all documents to effect transfer of the portions of land No. Kisumu/Kadongo/347 to the respective beneficiaries within 14 days of today and in default, the Deputy Registrar of this court shall sign the said relevant documents in order to give effect to the order and certificate of confirmation of grant dated 1st July 2019.
6. The Rectified certificate of confirmation of grant to issue forthwith.
7. I so order.



8. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 4TH DAY OF OCTOBER, 2023

R. E. ABURILI

JUDGE

