



REPUBLIC OF KENYA



In re Estate of Late Josphat Gitonga (Deceased) (Succession Cause E007 of 2022) [2024] KEHC 15537 (KLR) (6 December 2024) (Ruling)

Neutral citation: [2024] KEHC 15537 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
SUCCESSION CAUSE E007 OF 2022
AK NDUNG’U, J
DECEMBER 6, 2024
ESTATE OF THE LATE JOSPHAT GITONGA (DECEASED)**

IN THE MATTER OF

**MARY LURENCINAH WANJIRU 1ST APPLICANT
HELLEN WAMUCI GITONGA 2ND APPLICANT
MARTHA HUINI GITONGA 3RD APPLICANT**

RULING

1. The ruling resolves the notice of motion application dated 30/07/2024 seeking for amendment of Certificate of Confirmation of Grant issued to the administrators on 30/01/2024. The Application is supported by a joint affidavit of the Administrators herein. The Administrators had earlier moved this court vide summons for Confirmation of Grant dated 25/09/2023. The grant is sought to be amended in the following respect;
 - i. By adding the names of Charity Wambui Gitonga and the Estate of the Late Charles Kimani Gitonga on the first column paragraph 2 of page 2 as Beneficiaries of Land titles Numbers Ontulili/Ontulili Block 1 (Katheri)1181 and Ontulili/Ontulili Block 1 (Katheri)1182
 - ii. By deleting the phrase “The balance” at the commencement of the paragraph number “ii” on column 3 of page 2
 - iii. By introducing an additional paragraph (iii) after paragraph (ii) on column 3 paragraph 2 on page 2 reading as follows:-
 - “(iii) The balance of 26 acres to be shared out equally amongst all the beneficiaries Except Susan Wambaire Gitonga Deceased, Charity Wambui Gitonga and the Estate of the late Charles Kimani Gitonga.”



- iv. By correction of the description of the property set out as Land Title Number Nanyuki Municipality block 5/515 on page 3 to its proper description of Nanyuki Municipality Block 10/515.
- v. By alteration of column 3 on page 3 as against Land Title Numbers Nanyuki Municipality block 10/513, Nanyuki Municipality Block 10/514 and Nanyuki Municipality Block 10/515 to provide that:-

“To be sold and proceeds thereof distributed in equal shares to Mary Lurencinah Wanjiru, Helen Wamucii Gitonga, Martha Huini Gitonga, Zipporah Warukira Gitonga, Gladys Wanjugu King’ori, Charity Wambui Gitonga, Francis Kingori Gitonga, Janet Wangechi Gitonga, Joseph Kabugi Gitonga and the Estate of the Late Charles Kimani Gitonga” in place of the provision that the same be registered in the joint names.

- vi. By adding the name “Charles Kimani Gitonga” after the name Charity Wambui Gitonga at page 4 column 1 first paragraph as against Land Reference No.2872/144.
- vii. By deleting the lines numbered (a) and (b) on column 3 first paragraph of page 4 and substituting the same with fresh lines (a) (b) and (c) as follows –
 - a. “0.6 Acres
 - b. 1.225 Acres
 - c. Balance in equal shares”

Such that the set out in the part will appear as follows-

Charity Wambui Gitonga Charles Kimani Gitonga Mary Lurencinah Wanjiru Helen Wamucii Gitonga Martha Huini Gitonga Zipporah Warukira Gitonga Gladys Wanjugu Kingori Charity Wambui Gitonga Francis Kingori Gitonga Janet Wangechi Gitonga Joseph Kabugi Gitonga and The Estate of the Late Charles Kimani Gitonga	Land Reference Number 2782/144	a. 0.6 Acrs b. 1.225 Acres c. Balance in equal shares
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- 2. I have read the summons dated 30/07/2024 and the affidavit in support of the summons. The Applicants here in are administrators of the Deceased’s estate and they were issued with the Certificate of Confirmation of Grant on 30/01/2024.



3. On the material before court, the orders sought are appropriate and necessary for the effective administration of the estate and its eventual winding up.
4. I will therefore allow the application and direct that the Certificate of Confirmation of Grant dated 30/01/2024 and issued on 30/01/2024 be amended in terms of prayers (i) to (vii). I make no orders as to costs.

DATED SIGNED AND DELIVERED VIRTUALLY THIS 6TH DAY OF DECEMBER 2024

A.K. NDUNG’U

JUDGE

