



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

SUCCESSION CAUSE NO. 97 OF 1992

IN THE MATTER OF THE ESTATE OF JOSEPH MBUGUA Alias JOSEPH MBUGUA MURINGU(DECEASED)

THE PUBLIC TRUSTEE.....APPLICANT

1. The applicant has filed an application dated the 3/08/2017 under the provisions of Section 73 of the Law of Succession Act and Rules 49 and 59 (5) of the Probate and Administration Rules.
2. The applicant seeks firstly to correct the names of the Deceased on the Grant and the Certificate of Confirmation of Grant to include the alias **Joseph Mbugua Muringu**.
3. Secondly, the applicant seeks to rectify the name of the beneficiary on the Certificate of Confirmation of Grant to read as it appears on her National identity Card;
4. Thirdly, the applicant seeks the removal of the name of one of the beneficiaries **Ruth Wambui Mbugua** who is deceased.
5. Lastly, the applicant seeks to include the three (3) parcels of Land which had been erroneously omitted on the Certificate of Confirmation of Grant.
6. The application is supported by the Affidavit made by the applicant on the 3/08/2017; and annexed thereto is a copy of the National Identity Card of the beneficiary and a copy of the Death Certificate of **Ruth Wambui Mbugua** and copies of the Land Certificates.
7. The applicable Law is found at Section 73 of the Law of Succession Act and Rule 43 of the Probate and Administration Rules, which allow for the correction of errors in names and descriptions of Land Parcel Numbers provided it does not affect the substance of the Grant.
8. Upon reading the application and hearing submission from the applicant this court is satisfied that the corrections are as envisaged under the provisions of the Section 74 of the Law of Succession Act.
9. In the circumstances the application is found to be meritorious and is hereby allowed.
10. The names of the deceased are hereby rectified to read **Joseph Mbugua** alias **Joseph Mbugua Muringu (Deceased)**
11. The names of the beneficiary on the Certificate of Confirmation of Grant issued on 28th September, 1993 is hereby rectified to read as follows;
 - (i) **Tabitha Nyambura Mungai instead of Tabitha Nyambura**
12. The Certificate of Confirmation of Grant is hereby rectified by removal of the name of one of the beneficiaries named **Ruth Wambui Mbugua (Deceased)**
13. The Certificate of Confirmation of Grant is hereby rectified to include parcel numbers;
 - (i) **Location 17/IGANJO/IGIKIRO/T.74**
 - (ii) **Location 17/IGANJO/T.75**
 - (iii) **Location 17/IGANJO/1088**

The mode of distribution to remain the same as set out in the Certificate of Confirmation of Grant dated 28/09/1993.

Orders Accordingly

Dated, Signed and Delivered Electronically at Nyeri this 11th day of March 2021.

HON. LADY JUSTICE A. MSHILA

JUDGE