

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

SUCCESSION CAUSE NO. 534 OF 2001

IN THE MATTER OF THE ESTATE OF THE LATE MUGO WANGARU (DECEASED)

LAWRENCE WAWERU MUGO.....PETITIONER

RULING

1. The application is dated the 3/12/2020 and is made under the provisions of Section 74 of the Law of Succession Act and seeks to substitute the names of one of the beneficiaries namely **HARRISON KIONGO MITI** who is deceased.
2. The application is premised on the grounds on the face of the application and on the supporting affidavit dated 3/12/2020 made by **LOISE WANGECHI KIONGO** and **JOSEPH WANJOHI KIONGO**.
3. The said deponents have annexed a copy of the Death certificate of Harrison Kiongo Miti and a copy of the Grant of letters of Administration to his estate.
4. The applicable law is found at Section 74 of the Law of Succession Act and Rule 43 of the Probate and Administration Rules – which allow for the substitution of names provided that it does not affect the substance of the Grant.
5. Upon reading the application and hearing the submissions of counsel appearing for the applicants, this court is satisfied that the substitution of the names which are supported by a copy of the Death Certificate of the Deceased and the Grant of Letters of Administration is as envisaged under the provisions of Section 74 of the Law of Succession Act.
6. The application is found to be meritorious and is hereby allowed.
7. The names of **HARRISON KIONGO MITI** (Deceased) on the Certificate of Confirmation of Grant issued on 28/11/2014 is hereby substituted with the names **LOISE WANGECHI KIONGO** and **JOSEPH WANJOHI KIONGO**

Orders Accordingly

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NYERI THIS 11TH DAY OF MARCH, 2021.

HON. LADY JUSTICE A. MSHILA

JUDGE

11/03/2021