

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

SUCCESSION CAUSE NO. 759 OF 2008

IN THE MATTER OF THE ESTATE OF THE LATE MWANGI

GATERU Alias MWANGI s/o GATERU(DECEASED)

AND

1. JULIUSE KABUI MWANGI

2. GEORGE MUCHEMI MWANGI.....PETITIONERS/APPLICANTS

RULING

1. The applicants have filed an application dated the 9TH February, 2021 under the provisions of Section 73 of the Law of Succession Act and Rule 44 (1) of the Probate and Administration Rules and seek to correct errors in the names of three (3) of the beneficiaries.

2. The application is premised on the grounds on the face of the application and on the supporting affidavit made by the applicants.

3. The applicants seek to rectify the names of the beneficiaries who are referred to as **(i) Jane Wanjiku Mwangi (ii) Eunice Wakeni Waciira** and **(iii) Eunice Wanjiru Rose** in the Certificate of Confirmation of Grant whereas their National Identity Cards bear the names **Jane Wanjiru Wachira, Wakeni Wachira and Eunice Wanjiru Gathigia respectively.**

4. The applicants have annexed copies of the beneficiaries National Identity Cards and pray that the Certificate of Confirmation of Grant be rectified to bear the beneficiaries correct names.

5. The applicable law is found at Section 73 of the Law of Succession Act and Rule 44 (1) of the Probate and Administration Rules – which allow for the correction of errors in names provided that it does not affect the substance of the Grant.

6. Upon reading the application and hearing the submissions of the applicants, this court is satisfied that the correction of the errors of the names which are supported by the copies of the National Identity Cards of **Jane Wanjiru Wachira , Wakeni Wachira and Eunice Wanjiru Gathigia** are as envisaged under the provisions of the above Section 73 and Rule 44(1).

7. The application is found to be meritorious and is hereby allowed.

8. The names on the Certificate of Confirmation of Grant issued on 9/10/2009 are hereby rectified to read (i) **Jane Wanjiru Wachira** instead of **Jane Wanjiku Mwangi** (ii) **Wakeni Wachira** instead of **Eunice Wakeni Waciira** and (iii) **Eunice Wanjiru Gathigia** instead of Eunice Wanjiru Rose.

9. Orders Accordingly.

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

HON. LADY JUSTICE A. MSHILA

JUDGE

11/03/2021