

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

SUCCESSION CAUSE NO. 231 OF 2015

IN THE MATTER OF THE ESTATE OF THE LATE JOHN FLORENCE MUTHONI GACHIGI (DECEASED)

PUBLIC TRUSTEE.....PETITIONER

RULING

1. The applicant has filed an application dated the **2/05/2018** under the provisions of Section 74 of the Law of Succession Act and Rule 43 (1) of the Probate and Administration Rules and seeks to include **Ken Gen Shares** that were not included in the list of the deceased's properties.
2. The application is premised on the grounds on the face of the application and on the supporting affidavit made by the applicant and dated **2/05/2018**
3. The applicable law is found at Section 73 of the Law of Succession Act and Rule 43 of the Probate and Administration Rules – which allows for the review of the orders provided that it does not affect the substance of the Grant.
4. Upon reading the application and hearing the submissions of counsel appearing for the applicant, this court is satisfied that the correction to include the omitted Shares is as envisaged under the provisions of the above Section 73 and Rule 43. The application is found to be meritorious and is hereby allowed.
5. The Certificate of Confirmation of Grant issued on **16/06/2016** is hereby rectified to 812 Shares in **Kenya Electricity Generating Company Ltd** transferred to **Abigael Betty Wachera** absolutely.
6. Orders Accordingly.

Dated, Signed and Delivered Electronically at Nyeri this 6th day of May, 2021.

HON. LADY JUSTICE A. MSHILA

JUDGE