

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

SUCCESSION CAUSE NO.162 of 1999

IN THE MATTER OF THE ESTATE OF THE LATE WARUTERE S/o MUTITU

alias MOSES WARUTERE MUTITU (DECEASED)

SERAH NYOKABI.....PETITIONER

RULING

1. The application is dated the 25/02/2021 and is made under the provisions of Section 74 of the Law of Succession Act and seeks to rectify and correct the title Number of the property listed in the Certificate of Confirmation of Grant issued on 11/03/2020.
2. The application is premised on the grounds on the face of the application and on the supporting affidavit dated 25/02/2020 made by SERAH NYOKABI.
3. 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 correction of errors 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 applicants, this court is satisfied that the correction to include the correct title number is as envisaged under the provisions of Section 74 of the Law of Succession Act.
5. The application is found to be meritorious and is hereby allowed.
6. The Certificate of Confirmation of Grant issued on **11/03/2020** is hereby rectified to read **RUGURU/KIAMARIGA/1405**.

Orders Accordingly

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NYERI THIS 6TH MAY, 2021.

HON. LADY JUSTICE A. MSHILA

JUDGE