

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 2561 OF 2009

IN THE MATTER OF THE ESTATE OF WILLIAM KAMAU KAMUYU (DECEASED)

JOSEPH KAREGA KAMAU..... APPLICANT

VERSUS

VIRGINIA WANJIKU KAMUYU.....RESPONDENT

RULING

1. In my ruling dated 23rd February 2021 I stated that Justice M.W. Muigai had ordered:-

“that the sons of the late Francis Kamuyu Kamau (the late husband of the respondent) and the sons of the applicant should equally manage the repayment of the loan on LR No. Dagoretti/Kangemi/330 and also equally benefit from the proceeds from the property.”

However, what the learned Judge stated in her ruling dated 9th November 2018 was as follows:-

“3) The sons of the deceased Francis Kamuyu Kamau (deceased) and Joseph Karega Kamau shall share equally after completion of the loan repayment and expenses attached to suit property LR No. Dagoretti/Kangemi/330 which was allocated to the widow of the deceased Serah Njoki Kamau now deceased.”

2. I agree with the applicant that this court erroneously, and quite unintentionally, misquoted the ruling by Justice M.W. Muigai. Consequently, I allow the application and review the relevant part of the paragraph 6 of my ruling dated 23rd February 2021 to read as follows:-

“It was further ordered that the sons of the deceased Francis Kamuyu Kamau and Joseph Karega Kamau shall share equally after completion of the loan repayments and expenses attached to suit property LR No. Dagoretti/Kangemi/330 which was allocated to the widow of the deceased Serah Njoki Kamau now deceased.”

3. I make no order as to costs.

DATED and DELIVERED NAIROBI this 15TH day of JUNE 2021.

A.O. MUCHELULE

JUDGE