



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**SUCCESSION CAUSE NO. 23 OF 2014**

**IN THE MATTER OF THE ESTATE OF THE LATE MUTHENGI TIGANU – DECEASED**

**STEPHEN KITHURE MUTHENGI ..... PETITIONER**

**RULING**

1. The grant in this matter was issued on the 24/3/2014 and confirmed on the 20/4/2015. No other material developments occurred in the file till the 4/2/2021 when counsel for the administrators wrote to the Deputy Registrar and requested that the file be placed before the court for purposes of issuance of another original of the certificate of confirmation of grant.
2. The reason given for such request is that the petitioner has lost the one given to him.
3. I have noted that there has not been contestation in this cause and the proceedings appear to have moved smoothly and harmoniously unlike the case in most of cases of this nature.
4. Even though I was unable to lay my hands on particular provisions in the Act and the rules providing for the scenario, I do consider the inherent powers of the court reserved under Rule 73 of the Probate and Administration Rules to adequately provide for situation with no specific provisions.
5. I do thus find that the only way the cause can be moved towards closure is to accede to the request. I direct that the certificate of confirmation of grant be re-issued as requested.
6. However, in the course of perusing the file I have noted that there is a beneficiary called Joel Muriungi Solomon but such name appears nowhere in the record of the file. I consider this to have been a mistake by which the typist picked the last two names of Japhet and gave them to Joel. That mistake I have rectified by issuance of a rectified of confirmation of grant.

**Dated signed and delivered at Meru this 6<sup>th</sup> day of July 2021.**

**Patrick J.O Otieno**

**Judge**