

IN THE HIGH COURT OF KENYA AT KAJIADO

SUCCESSION CAUSE NO. 37 OF 2018

IN THE MATTER OF THE ESTATE OF MURIITHI MUGO (DECEASED)

RULING

There are three matters pending intervention by the court. The first one is the Summons dated 24th June 2021. It is seeking to rectify the Certificate of Confirmation of Grant issued on 18th February 2020. The rectification they wish made is in respect of the words “to be registered jointly”. The second issue is a Notice to Withdraw the Summons dated 24th June 2021. The Notice is filed by the Applicants in person. It is dated 27th August 2021. The third issue is the Summons dated 21st September 2021 seeing to withdraw the Summons dated 24th June 2021 as well as to allow the firm of M/s Macharia Gikonyo & Co. Advocates to come on record for the Applicants. I have considered the reasons advanced for withdrawing the Summons dated 24th June 2021.

I have noted that the Grant directs that the Estate of the deceased shall be shared equally. The Applicant sought to have the Grant rectified by adding the words “To be registered jointly and shared equally” which words differ from the wording of the order issuing the Grant. As submitted by counsel, these words do not add value to the Grant because it is adequate to state that the estate shall be shared equally.

I have considered the matter and I find merit in the argument. There is no need to rectify the grant to add those unnecessary words. I will allow the Summons for Withdrawal of the Application for rectification of the grant. The Summons dated 24th June 2021 is hereby marked as withdrawn. Costs shall be in the cause. Orders to issue accordingly.

DATED, SIGNED AND DELIVERED THIS 3RD DAY OF NOVEMBER 2021.

S.N. MUTUKU

JUDGE