

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERUGOYA

SUCCESSION CAUSE NO. 18 OF 2018

IN THE MATTER OF THE ESTATE OF DAVID MUKUBA GITARI (DECEASED)

RULING

1. The grant of Letters of Administration for the Estate of the late **David Mukuba Gitari (deceased)** was confirmed on the 11/11/2019 and a Certificate of Confirmation issued on the 12/11/2019.

2. By a Summons for Rectification of the grant dated 21/10/2020 and filed on the 22/10/2020, the administrator of the Estate sought orders to rectify the grant under **Section 74 of the Law of Succession Act Cap 160 Laws of Kenya**, and **Rules 43(1) of the Probate and Admiralty Rules**.

3. The mode of rectification sought is stated at **prayer No. 1 (a), (b) and (c)** of the application being addition of omitted assets as hereunder, and correction of errors:

- a) **additional of Barclays Bank –Kerugoya branch, A/c No. 2022xxxx.**
- b) **Property described as Ngariawa/Ngiriama 3866 F (0.70 Ha)**
- c) **Shares held in KCB bank, and several Saccos and Co-operative societies, particulars stated therein.**

4. The applicant/administrator has in the Supporting Affidavit deponed that they were advertently omitted, and has attached as exhibit, the title deed that confirms that indeed the omitted property and shares belonged to the deceased.

5. I have not seen copies of the certificates of shares, but nevertheless, there being no objection to the Rectification and inclusion of the said shares in the various cooperative societies, building societies and banks, I find merit in the application

I therefore allow the summons for Rectification of grant in terms of prayers No. 1 (a), (b) and (c) and 2 of the summons dated 21/10/2020.

DATED AND SIGNED THIS.....DAY OF.....2021

HON. J. N. MULWA

JUDGE

DELIVERED AT KERUGOYA THIS 14TH DAY OF DECEMBER 2021

HON. R. MWONGO

JUDGE