



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

KAKAMEGA HIGH COURT PROBATE AND ADMINISTRATION

SUCCESSION CAUSE NO. 680 OF 2010

IN THE MATTER OF THE ESTATE OF ADAM OKWIRI KHAKALI DECEASED

AND

IN THE MATTER OF SUMMONS FOR RECTIFICATION OF GRANT ISSUED TO

ADAH AKENGO MULAMA.....1ST APPLICANT /PETITIONER

ELIZABETH SANG'OMA KHAKALI.....2ND APPLICANT/PETITIONER

RULING

1. This ruling is in respect of the application to be heard during the recess and Summons for Rectification of Certificate of Confirmation of grant dated 19.7.2016.
2. I have considered the application dated 24th August 2020 under Certificate of Urgency. I certify it urgent and grant leave to the Petitioner/Applicant to be heard during the recess.
3. On the Prayer for Rectification of Certificate of Confirmation of grant issued to the Petitioners on 19.7.2016, which prayer is in respect of the substantive Application/Summons for Rectification of grant dated 24.8.2020 and supported by the affidavit of **Adah Akengo Mulama**, I have considered the Summons, the Affidavit in support thereof and the annextures.
4. I am satisfied that the Petitioner has demonstrated to the satisfaction of this Court that the Certificate of Confirmation of grant issued on 19.7.2016 containing a schedule of distribution of the assets of the deceased **Adam Okwiri Khakali** has apparent errors in that the names of some of the beneficiaries listed do not match the names contained in the National Identity Cards of the said beneficiaries which makes it impossible to claim for their entitlements especially shares held in various companies listed in the Schedule of distribution of the estate of deceased **Adam Okwiri Khakali** who died on 5.7.2003 at Chavakali Sub-Location.
5. For the above reasons, and as no prejudice will be occasioned to any of the beneficiaries of the estate, or to the estate of the deceased **Adam Okwiri Khakali** if the Certificate of Confirmation of grant issued on 19.7.2016 is rectified to reflect the correct and official names of the beneficiaries listed in the Schedule of Distribution of the estate against their respective shares of the estate, I hereby grant the orders sought in the Summons for Rectification of grant dated 24.8.2020 and order as follows:

1. The Certificate of Confirmation of grant issued on 19.7.2016 be and is hereby amended/rectified in the following terms:

- a) The beneficiary referred to as VIOLET KEYA WANGA shall be renamed as VIOLET PRISCA ADAM, holder of Id/No.0303352;***
- b) The beneficiary referred to as ROSE ANDEYA KHAKALI is hereby renamed as ROSE ANDEYO KHAKALI holder of Id/No.1274527.***
- c) The Administrator referred to as ADAH AKENGO MULAMA shall be renamed as ADAH AKENG'O MULAMA, holder of identity card number 7894642. Consequently, a fresh rectified Certificate of Confirmation of grant shall issue reflecting the rectified names.***

6. I make no orders as to costs.

7. File to be resubmitted to Kakamega High Court.

8. Orders accordingly.

Dated, Signed and Delivered at Siaya This 4th Day of September, 2020

R.E. ABURILI

RECESS DUTY JUDGE