



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIVASHA
(CORAM: R. MWONGO, J)
HIGH COURT SUCCESSION CAUSE NO. 89 OF 2015
(FORMERLY NAKURU SUCC 531/2008)
IN THE MATTER OF THE ESTATE OF JOHANNA KARIUKI KAMAU, (DECEASED)
PHYLLIS WANJIKU CHEGE.....PETITIONER /APPLICANT
-VERSUS-
MWANGI NGANGA.....PETITIONER/ RESPONDENT
CORRECTION OF ERRATUM IN RULING (Section 99 CPA)

1. By a **Ruling** rendered on **8th October, 2020** by this court, I made a determination disposing the summonses for confirmation and distribution in this matter as follows:

“Disposition

54. Applying the court’s inherent power under Rule 73, I determine that the Land comprising 14 hectares (34.5 acres) shall be distributed under a confirmed grant in the names of the two administrators as follows:

a. 1). One (1) Acre near the road where the present burial site is located shall be set aside as a burial site for the members of the families of the deceased and his siblings.

2). The said one (1) acre of land shall be held in trust in the joint names of the administrators.

3). The parties are at liberty to alter in future the manner in which the said land is held including to distribute it between the various families of the deceased and his siblings.

b. Seven (7) acres each shall be partitioned and distributed in the names of and for the siblings of the deceased, namely in favour of Mwangi Nganga, Macharia Nganga, and the late Chege Nganga;

c. The remaining **Twenty-two point five (22.5) acres** less road reserves shall be distributed in the name of Phyllis Wanjiku Chege

55. I make no order is made as to costs herein, as these are administration proceedings to identify the proper beneficiaries and for distribution purposes. Further it is noted that the distribution ordered herein will involve the parties in substantial costs and financial outlay in surveying and sub-division administration.”

2. There is a typographical error in the judgment at paragraph 54 (c) in that determination of the acreage stated is 22.5 instead of 12.5, as the calculation of the balance of acreage is obviously 12.5 acres and not 22.5 acres.

3. In exercise of the powers granted to this Court by and under **Section 99** of the **Civil Procedure Act** to correct accidental slip or omission, I hereby make the aforesaid correction so that Paragraph 54(c) of the Ruling stands corrected to read as follows:

“54 (c) The remaining Twelve point five (12.5) acres less road reserves shall be distributed in the name of Phyllis Wanjiku Chege”

4. Save for the correction herein, in all other respects the Ruling remains un-amended.

5. Orders accordingly.

Dated and Delivered at Naivasha this 8th Day of October, 2020

RICHARD MWONGO

JUDGE

Delivered in the presence of:

1. Q. Ogutu Court Clerk