



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
SUCCESSION CAUSE NO.209 OF 2009
IN THE MATTER OF THE ESTATE OF THE LATE KAMAU NAGI – (DECEASED)
JOSEPH NGAME KAMAU.....PETITIONER

RULING

1. This ruling is in respect of the summons for rectification of grant dated 26th August, 2014.

2. Orders sought are:

1. That the Certificate of Confirmation of grant issued to the said Joseph Ngame Kamau on 21st January, 2011 be rectified in the following respect as provided for by **rule 43(1)** of the **Probate and Administration rules**:

DESCRIPTION OF PROPERTY

SHARE OF HEIRS

a) Molo South Ikumbi Block 5/265

Jointly to Langat

Kipkoskei Samuel and Kirui Robinson

2. The costs of this application be provided for.

3. The same is supported by the affidavit of Joseph Ngame Kamau sworn on 26th August, 2014.

4. The gist of the application is that the applicant is the administrator of the estate of Kamau Nagi. The estate comprises of parcel No.Molo/South Ikumbi Block 5/265.

5. The certificate of confirmation of grant erroneously reflected the property as Molo/South Ikumbi 5/262. A copy is annexed.

6. It is sought that this mistake be corrected and the right number indicated.

7. I have considered the summons and the supporting affidavit. The rectification sought is necessary to give effect to the confirmed grant herein.

8. However, the rectification is not available to the applicant in the terms set out in prayer 1(a).

9. Prayer 1(a) appears to bequeath the property to other persons other than the person to whom the property was bequeathed at the confirmation stage. The confirmed grant shows the land was to transmit

to Joseph Ngame Kamau.

10. With the result that I will allow the summons in terms:

a. That the confirmed grant herein is rectified to read (in the place where the property is described) Molo South Ikumbi Block 5/265.

b. Costs be in the cause.

Dated, Signed and Delivered at Nakuru this 6th April, 2017

A. K. NDUNG'U

JUDGE