

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

HIGH COURT SUCCESSION CAUSE NO. 96 OF 2010

**IN THE MATTER OF THE ESTATE OF HARRISON THIONGO NDEGWA alias THIONGO
NDEGWA (DECEASED)**

JOHN KARUTHI THIONGO.....APPLICANT

- V E R S U S -

JAMES KARIUKI.....RESPONDENT

R U L I N G

What is before me is the summons for rectification of grant dated 5/6/2014 seeking orders; -

1. That the certificate of confirmation of grant issued herein to the applicant on 20/12/13 be rectified indicating the name Joseph Kiruhi Mathenge instead of Joseph Kirichu Mathenge
2. Costs be in the cause.

It is supported by the affidavit shown by the administrator/applicant Peninah Wanjiru Mathenge who avers that the grant was confirmed on 20/12/13 contained errors in the description of one of the beneficiaries whose name was given as JOSEPH KIRUHI MATHENGE instead of JOSEPH KIRICHU MATHENGE.

Rectification of grant is provided for under s.74 of Laws of Succession Act and Rule 43 of the Probate and Administration Rules – where the court is empowered to amend on the grant including the names and description of any person –

I have perused the entire record – I have found no particulars of Peninah Wanjiru Mathenge as the administrator nor any particulars of one Joseph Kirichu Mathenge what is on the file is a grant issued to John Kariithi Thiongo on 4/2/2011.

I think this application is misplaced as it has nothing to do with all the other pleadings in the file. The same is struck out.

Dated, Signed and delivered at this 13th Day of June 2017 at Nyeri.

TERESIA MATHEKA

JUDGE

In the presence of,

Mr. King'ori for the applicant

Court Assistant Harriet