



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NUMBER 198 OF 2013

IN THE MATER OF THE ESTATE OF PETER OKIN OJWANG RAKWACH (DECEASED)

RULING

1. Anne Olwal Rakwach the administrator of the estate of PETER OKINS OJWANG RAKWACH (deceased) seeks a rectification of the Grant of letters of administration of the estate of the deceased partially confirmed on 27th July, 2016 made to her in this matter as follows:

- Nakuru Municipality Block 16/88
- Nakuru Municipality Block 16/89
- Nakuru Municipality Block 16/90

the whole share thereof be given to Nakuru Crater Medical Centre. Limited. she seeks that costs be in cause.

2. The application is based on three (3) grounds namely:

- a) That the deceased, before his demise had constructed a hospital known as Crater Medical Centre, on the above titles.
- b) That after the death of the deceased, the beneficiaries, incorporated a limited liability company, **Nakuru Crater Medical Centre Limited** for purposes of managing and operating the hospital.
- c) That the administrator and the beneficiaries are Directors of the company and supported by her affidavit sworn on 30th January, 2017.

3. The gist of the summons as gleaned from the supporting grounds and affidavit is that the deceased had constructed a hospital known as Crater Medical Centre on the land parcels enumerated above.

4. After his death, the beneficiaries incorporated a limited liability company known as **Nakuru Crater Medical Centre Limited** for the purposes of managing the hospital. The administrator and all the beneficiaries are directors of the said company.

5. All beneficiaries have consented to the rectification and signed a consent to that effect which is filed herein.

6. I have considered the summons for rectification of grant. I note that the envisaged changes to the

confirmed grant are beneficial to all the beneficiaries and there is an agreement across board.

7. The said changes are not prejudicial to any of the beneficiaries and the same will go along way in streamlining the management of the medical centre, an asset that in the long run would be of immense benefit to the beneficiaries.

8. Consequently I am satisfied that the orders sought are merited. I allow the summons for rectification of grant dated 30th January, 2017 in terms of prayer 1.

Costs in the cause.

Dated, Signed and Delivered at Nakuru this 19th day of July, 2017.

A. K. NDUNG'U

JUDGE