



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MACHAKOS**  
**PROBATE & ADMINISTRATION CAUSE NO.43 OF 2002**  
**IN THE MATTER OF THE ESTATE OF DOUGLAS FRANCIS**  
**PETER MUTUA alias MUTISYA (DECEASED)**  
**JACINTA KOKI MUTUA**  
**JACQUILINE MUTHOKI MUTUA.....APPLICANTS/ PETITIONERS**

**RULING**

1. The summons for Rectification of Grant before the court is dated and filed herein on 17<sup>th</sup> May, 2016. The application seeks to secure an order that the name Jacqueline Muthoki Mutua the 2<sup>nd</sup> Petitioner herein be included in the Certification of confirmation of Grant.
2. The Grant of letter of Administration intestate was issued to the Petitioners on the 27<sup>th</sup> June, 2002 and the confirmation of Grant was issued on the 22<sup>nd</sup> January, 2007 to Jacinta Koki Mutua, leaving out Jacqueline Muthoki Mutua. This application seeks to rectify that anomaly.
3. The application is supported by affidavit of both Petitioners sworn and filed herein on 17<sup>th</sup> May, 2016.
4. I have carefully considered the application. I have also confirmed from the court record that the Letters of Administration intestate were issued for the two Petitioners jointly on 27<sup>th</sup> June, 2002 and the same was confirmed on 22<sup>nd</sup> January, 2007 but the 2<sup>nd</sup> Petitioner's name was left out. That was a mistake that can be cured by this application. Indeed both Petitioners have filed this application and there is no objection. All the beneficiaries have also consented for the rectification vide a consent filed herein on 17<sup>th</sup> May, 2016.
5. In the upshot the Summons for Rectification of Grant under reference is hereby allowed as prayed with costs in the cause.

Read, Delivered and Dated this 14<sup>th</sup> day of September, 2016.

**E.K. OGOLA**

**JUDGE**