



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 4 OF 2006

IN THE MATTER OF THE ESTATE OF JONATHAN NZUKI MBUI – (DECEASED)

DANIEL KYALO NZUKI.....1ST ADMINISTRATOR/APPLICANT

HARRISON KIMEU NZUKI.....2ND ADMINISTRATOR/APPLICANT

RULING OF THE COURT

1. The Summons for Rectification of Grant before the court is dated and filed herein on **11th April, 2016**. The Summons seeks the following orders;

*a. That the Confirmed Grant of Letters of Administration (intestate) issued to the said **Daniel Kyalo Nzuki and Harrison Kimeu Nzuki** in this matter on the **23rd day of June, 2008** be rectified to include Plot No. **Mavoko Town Block 3/3409** inadvertently omitted from the list of assets of the deceased.*

*b. That a new certificate of Confirmed grant be issued including Plot No. **Mavoko Town Block 3/3409** to be registered in the name of **Rose Mbithe Nzuki** herein.*

c. That costs of this application be paid out of the estate

2. The application is supported by affidavit of **Daniel Kyalo Nzuki** and **Harrison Kimeu Nzuki** who are the joint administrators of the estate. Their case is that soon after the Confirmation of Grant herein, they discovered that the deceased owned parcel of land no. **Mavoko Town Block 3/3409** and the same was not included as part of the deceased's properties in the Confirmed Grant. Their case is that it is only fair and just that the said property be included in the description of the properties in the grant herein for the benefit of the beneficiaries.

3. I have considered the application. There is proof by title that the said plot **Mavoko Town Block 3/3409** is indeed owned by the deceased, and it was not part of the original list of the property belonging to the estate. It is also agreed among the Administrators that the said property be given to **Rose Mbithe Nzuki**, the second wife of the deceased. There is no objection to the application and/or the mode of distribution of that property.

4. I allow the application and make the following orders;

*a. That the Confirmed Grant of Letters of Administration (intestate) issued to the said **Daniel Kyalo Nzuki and Harrison Kimeu Nzuki** in this matter on the **23rd day of June, 2008** be and is hereby rectified to include Plot No. **Mavoko Town Block 3/3409** which was inadvertently omitted from the list of assets of the deceased.*

*b. That a new certificate of Confirmed grant be issued including Plot No. **Mavoko Town Block 3/3409** to be registered in the name of **Rose Mbithe Nzuki** herein.*

c. That costs of this application be paid out of the estate

Orders accordingly.

DATED AND DELIVERED AT MACHAKOS THIS 15TH DAY OF NOVEMBER, 2016.

E. OGOLA

JUDGE

In the presence of;

No appearance for the parties

Court Assistant – Mr. Munyao