

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

SUCCESSION CAUSE NO. 161 OF 2013

**IN THE MATTER OF THE ESTATE OF KAMWOCERE KOBUTHI alias KAMOCERE
KOBUTHI (DECEASED)**

PHILISILA KAITHI EPHANTUS.....APPLICANT

RULING

This is an application for rectification of a grant which was confirmed on 3rd November, 2014. In addition to the rectification, the applicant seeks that costs be provided for in respect of this application. Annexed to the summons for rectification, is an affidavit in support thereof. In the affidavit of support, the administrator has stated that a certificate of confirmation was issued on 3rd November, 2014. According to her, when the certificate of confirmation was issued, asset no. 1 in the schedule was by error described as Kyeni/Kihumo/3992. The correct description is Kyeni/Mufu/3992. It is that error that she now seeks to have rectified.

I find that the affidavit evidence of the applicant is credible. I also find from the consent to the mode of distribution of the estate that the description of this asset No. 1 therein is shown as Kyeni/Mufu/3992. In the circumstances, I find that the rectification of the grant should be granted and I hereby do so.

RULING DATED, SIGNED and DELIVERED in open court at **EMBU** this **2nd** day of **NOVEMBER .2015.**

In the absence of the petitioner

Court clerk Mr Njue.

J. M. BWONWONGA

JUDGE

02.11.15.