

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Succession Cause 915 of 2003

IN THE ESTATE OF SAMSON MWENJA KOMO – (DECEASED)

RULING

The application dated 5th February 2013 is for rectification of certificate of grant dated 18th February, 2004 and amended on 12th November, 2007. The principle ground is that an asset known as LR No: 209/9754/8 had been omitted from distribution as its existence was not known to the administrators at the time of confirmation.

A copy of the title has been exhibited in the affidavit in support of the application. It shows that the deceased Samson Komo Mwenja owned such a property.

This is not a case for rectification as there are no errors as envisaged by **Section 74** of the Law of Succession Act. The situation relates to discovery of important material that could not be placed before the court at the material time of confirmation. It is a case for review.

I will review the confirmation order made on 18th February 2004 and that of 12th November, 2007. A fresh certificate of grant shall issue to the administrators reflecting LR. No. 209/9754/8 as one of the assets.

DATED, SIGNED and DELIVERED at NAIROBI this 9th DAY OF May, 2013.

W. M. MUSYOKA

JUDGE