



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Succession Cause 1770 of 1997**

**IN THE MATTER OF THE ESTATE OF JONATHAN KILONZO KIVEKE **-(DECEASED)****

**RULING**

The application dated 24th October 2012 seeks rectification of certificate of grant dated 19th July 2011. The principle ground is that two properties had been omitted from distribution.

This is not a case for rectification. There are no errors of the sort envisaged under **Section 74** of the Law of Succession Act. The scenario presented by the omission of the assets necessitates review. I have perused the attached search certificate and noted that the two properties are registered in the name of the deceased, Jonathan Kilonzo Kivete.

I entertain serious doubts about the execution of the consent to the proposed mode of distribution dated 2nd October 2012 as only three of the beneficiaries have executed the consent. I will not order the review of the confirmation orders of 19th July 2011, instead I will set the said orders aside and cancel the certificate of confirmation of grant dated 19th July 2011. The administrators shall file a fresh application for confirmation of grant in which they shall include the omitted assets.

It is so ordered.

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

**W. M. MUSYOKA**

**JUDGE**