



**In re Estate of Johnah Ruuri M'Nabea (Deceased) (Succession Cause  
6 of 2020) [2025] KEHC 13742 (KLR) (1 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 13742 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NANYUKI  
SUCCESSION CAUSE 6 OF 2020  
AK NDUNG'U, J  
OCTOBER 1, 2025**

**IN THE MATTER OF**

**GEORGE KIOGORA RUURI ..... 1<sup>ST</sup> PETITIONER  
ALBINA KINYA MUTWIRI ..... 2<sup>ND</sup> PETITIONER  
SARAH KAGWIRIA RUURI ..... 3<sup>RD</sup> PETITIONER**

**RULING**

1. The Applicant moved this court by way of Notice of motion dated 16/06/2025 where he sought the following orders;
    1. That the certificate of confirmation of grant to the Estate of the deceased issued by this court on the 8<sup>th</sup> day of February, 2023 be rectified and/or reviewed in the following respects:
      - a. By substitution of the description of the property referred to in paragraph (a) of the schedule as "Plot Number 3/3/30 Kangaita' with Land title No. Timau/Timau Block 3/330.
      - b. By correction of the name KELVIN Kinywa appearing in paragraphs (c) and (d) of the schedule to read BRIAN Koome Kinywa.
      - c. By substitution of the description of the property referred to in paragraph (c) of the schedule as "Agricultural Land in the area known as Mwichwiri situate in Nyeri County."
- With:-
1. Land Title No. Naromoru/Kiamathage Block 2(Mwichwiri)/718.
  2. Land Title No. Naromoru/Kiamathage Block 2(Mwichwiri)/719.
  3. Land Title No. Naromoru/Kiamathage Block 2 (Mwichwiri)/720."



- d. By deletion of paragraph (e) of the schedule and replacement thereof with the following provision:

“residue of the Estate of the deceased consisting of land Title Numbers:-

- i. Laikipia/Daiga/Umande Block 4(Nyariginu)/1051.
- ii. Laikipia/Daiga/Umande Block 4(Nyariginu)/476. To the Estate of the late Cecilia Nyoroka Ruuri.

2. The costs of this application be paid out of the estate of the deceased.
2. The application is further supported by a joint affidavit of the Applicants/Administrators and is based on the following grounds:-
  1. That the deceased in paragraph 4 of his will deposited in this court believably inadvertently described a parcel of land as Plot No. 3/3/30 Kangaita instead of its correct description of Title No. Timau/Timau Block 3/330.
  2. That the deceased also by inadvertence in his will paragraph 6 described his grandson by the name KEVIN Kinywa instead of the latter’s current name of BRIAN Koome Kinywa.
  3. That the deceased’s land which he describes in paragraphs 5 (a) and 6 of his will as situated in Mwichwiri area has since the date of the will been registered into 3 parcels described as Title Numbers Naromoru/Kiamathage Block 2 (Mwichwiri)/718. Naromoru/Kiamathage Block 2 (Mwinchwiri)/719 and Naromoru/Kiamathage Block 2(Mwichwiri)/720.
  4. The said inadvertencies and misdescriptions by the deceased were invariably replicated in the summons for confirmation of grant and in the certificate of Confirmation of Grant which now requires rectification to enable the Administrators to administer the part of the estate affected by the inadvertence and misdescription.
3. The application is not opposed.
4. I have had occasion to consider the application, the grounds in support and affidavit filed. I note at the earliest that applications under the relevant Act ought to come by way of summons and not by way of Notice of Motion. I will nevertheless ignore the technicality on the strength of Article 159(2) (d) of *the constitution*.
5. Rectification of grants is provided for in section 74 of the *Law of Succession Act*, cap 160, Laws of Kenya, and Rule 43(1) of the Probate and Administration Rules.

Section 74 provides as follows:

Errors may be rectified by court:

“Errors in names and descriptions, or in setting forth the time and place of the deceased’s death, or the purpose in a limited grant, may be rectified by the court, and the grant of representation, whether before or after confirmation, may be altered and amended accordingly.”

6. Rule 43(1) provides as follows:

“Where the holder of a grant seeks pursuant to the provisions of section 74 of the Act rectification of an error in the grant as to the names or descriptions of any person or thing or



as to the time or place of death of the deceased or, in the case of a limited grant, the purpose for which the grant was made, he shall apply by summons in Form 110 for such rectification through the registry and in the cause in which the grant was made.”

7. The language of section 74 of the Law of Succession Act and Rule 43(1) of the Probate and Administration Rules limits the scope of rectification of grants of representation to errors in names and descriptions, or in setting forth the time and place of the deceased’s death, or the purpose in a limited grant. The court may add that, such other minor errors in that genre could also be rectified.
8. It follows that where substantial amendments are to be undertaken, the summary procedure in the provision for rectification of grant would not suffice (See In the matter of the estate of Geoffrey Kinuthia Nyamwinga (deceased) [2013] eKLR, In the matter of the estate of Hasalon Mwangi Kahero [2013]).
9. In this case, the applicants seek to rectify the description of various properties and the names of on beneficiary who was described as KEVIN Kinywa instead of the latter’s current name of BRIAN Koome Kinywa. These are rectifications within the purview of Section 74 of the Act.
10. The court is satisfied that the rectification sought are merited and go to the root of facilitating effectual administration and winding up of the estate herein.
11. With the result that the application is allowed and I make the following orders.
  1. That the certificate of confirmation of grant to the Estate of the deceased issued by this court on the 8<sup>th</sup> day of February, 2023 be and is hereby rectified in the following terms;
    - a. By substitution of the description of the property referred to in paragraph (a) of the schedule as “Plot Number 3/3/30 Kangaita’ with Land title No. Timau/Timau Block 3/330.
    - b. By correction of the name KELVIN Kinywa appearing in paragraphs (c) and (d) of the schedule to read BRIAN Koome Kinywa.
    - c. By substitution of the description of the property referred to in paragraph (c) of the schedule as “Agricultural Land in the area known as Mwichwiri situate in Nyeri County.”

With:-

  - i. Land Title No. Naromoru/Kiamathage Block 2(Mwichwiri)/718.
  - ii. Land Title No. Naromoru/Kiamathage Block 2(Mwichwiri)/719.
  - iii. Land Title No. Naromoru/Kiamathage Block 2 (Mwichwiri)/720.”
    - a. By deletion of paragraph (e) of the schedule and replacement thereof with the following provision:

“ residue of the Estate of the deceased consisting of land  
Title Numbers:-

      - i. Laikipia/Daiga/Umande Block  
4(Nyariginu)/1051.
      - ii. Laikipia/Daiga/Umande Block  
4(Nyariginu)/476.



To the estate of the late Cecilia Nyoroka  
Ruuri.

e. Costs be in the cause.

**DATED SIGNED AND DELIVERED VIRTUALLY THIS 1<sup>ST</sup> DAY OF OCTOBER 2025.**

**A.K. NDUNG’U**

**JUDGE**

