



REPUBLIC OF KENYA



**In re Estate of Papias Kibicho Mathenge alias Kibicho Mathenge Paipas (Deceased)  
(Succession Cause E139 of 2023) [2025] KEMC 170 (KLR) (29 July 2025) (Ruling)**

Neutral citation: [2025] KEMC 170 (KLR)

**REPUBLIC OF KENYA  
IN THE NAKURU LAW COURTS  
SUCCESSION CAUSE E139 OF 2023  
PA NDEGE, SPM  
JULY 29, 2025**

**IN THE MATTER OF THE ESTATE OF THE LATE PAPIAS KIBICHO  
MATHENGE AIAS KIBICHO MATHENGE PAIPAS – (DECEASED)**

**RULING**

1. Before me is a Summons for Rectification of the grant herein, in which the applicants, Isabella Muthoni Mathenge, and Wangari Mathenge, the administrators herein, are seeking for the following orders: -
  - i. That the Grant of Letters of Administration issued on 29/08/2023 and the same confirmed on 23/07/2024, be rectified to reflect the correct land registration number Land Ref No.464/33 Title No. IR234776 Nakuru Municipality Nakuru District instead of LAND REF No.464/22 Title No. IR234776 Nakuru Municipality Nakuru District.
  - ii. That the cost of this application be provided for.
2. The application is premised on the 6 grounds on the face of it, and the Supporting Affidavit of Isabella Muthoni Mathenge & Wangari Mathenge, the applicants, sworn at Nakuru on 20/05/2025; mainly that: -
  - a. The distribution of the Estate was as enumerated on the application for confirmation i.e. that Land Ref No.464/33 Title No. IR234776 Nakuru Municipality Nakuru District To Be Inherited By Isabella Muthoni Mathenge & Wangari Mathenge, Whole Share.
  - b. The grant in respect of the Estate of Papias Kibicho Mathenge alias Kibicho Mathenge Papias issued to the Applicants herein was confirmed on 23/07/2024.
  - c. While applying for letter of administration in respect of the estate, the assets of the estate were ascertained as Land Ref No.464/33 Title No. IR234776 Nakuru Municipality Nakuru District.



- d. However, during the confirmation of grant, a typographical error arose in the registration number of the above parcel of land, whereby the same was indicated as Land Ref No.464/22 instead of Land Ref No.464/33 as per the certificate of title.
  - e. It is therefore meted and just that this Honorable Court do grant the prayer sought in the application to expedite the final distribution of the said Estate.
  - f. No prejudice will be occasioned to any party if the orders sought are granted.
3. I have considered this summons for rectification of Grant, the Affidavits filed in support thereof as well as the oral submissions by the counsel for the applicants herein, Ms. Towett. Rectification of Grants is provided for by section 74 of the Law of Succession Act, Cap 160, Laws of Kenya which provides as follows: -
- 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.
4. Rule 43(1) of the Probate and Administration Rules states as follows: -
- 43(1) 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 the 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 issued.
5. Rectification is allowed in order to correct a mis-description of a property or to correct a name which has not been fully or properly described in the Grant. I find that the rectification to correct the description of the property herein i.e. to correct the title number from 22 to 33 as prayed for herein fits this purpose and I thus allow the application as prayed with no order as to costs.

**DATED IN NAKURU THIS 29<sup>TH</sup> DAY OF JULY, 2025.**

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**ALOYCE-PETER-NDEGE**

**SENIOR PRINCIPAL MAGISTRATE**

In the presence of;

Applicant's Counsel: Towett

Applicants: N/A

