

**REPUBLIC OF KENYA**  
**IN THE HIGH COURTS OF KENYA AT NAKURU**  
**SUCCESSION CAUSE NO. 629 OF 2003**  
**IN THE MATTER OF THE ESTATE OF JOSEPH NJOROGE GATHUA**  
**(DECEASED)**

HANNINGTON KAMBUGU NJOROGE..... APPLICANT

VERSUS

HANNINGTON WAMBUGU NJOROGE..... ADMINISTRATOR

**RULING**

1. Through a Chamber Summons dated 17<sup>th</sup> March, 2025, the Applicant, Hannington Kambugu Njoroge, is seeking that the Certificate of Confirmation of Grant dated the 31<sup>st</sup> of October 2008 be rectified in the following respect;-

***1) THAT the beneficiary of EUASO NYIRO / SUGUROI / BLK VI / 425 (whole share) and 68966 /11/ 474 PLOT NO. 227 NYAHURURU MUNICIPALITY (whole share) name herein be amended to read HANNINGTON KAMBUGU NJOROGE instead of Douglas Chomba Njoroge to match the beneficiary's name as it appears on his Kenyan National Identity Card as well as his KRA PIN.***

***2) The Deputy Registrar execute the applications; transfer to the personal representative as executor / administrator (form 39) and the transfer by personal representative to person entitled under a will or an intestacy (form 42), in favour of the Applicant on behalf of the Respondent/Administrator.***

2. The grounds are on the face of the application and supported by the Affidavit of the Applicant sworn on even date. The Applicant states that he is the son of the Deceased, Joseph Njoroge Gathua. He confirms that the Letters of Administration for the Estate were issued by the Court to his elder

brother, Hannington Wambugu Njoroge. The Certificate of Confirmation of Grant was issued on 31<sup>st</sup> October, 2008, by the Honourable Justice D. K. Maraga(As he then was).

3. He states that the said Grant contained an error that he now seeks to have rectified. He explains that his brother, the Administrator, has neglected to make the application, forcing the Applicant to move the court himself, as the error only affects his interest in the Estate. He expounds on the error that his name, HANNINGTON KAMBUGU NJOROGE, was mistakenly captured as Douglas Chomba Njoroge. He clarifies that Douglas Chomba is his baptismal name, but all his other documents bear the name HANNINGTON KAMBUGU NJOROGE.
4. He explains that the name HANNINGTON KAMBUGU NJOROGE was given to him by his deceased parents, Joseph Njoroge Gathua and Peris Wanjiru Njoroge (with proof of his birth certificate attached). Thus, the name Douglas Chomba Njoroge does not appear on his Kenya National Identity Card or his KRA PIN (copies attached). That he only used the name Douglas Chomba Njoroge to avoid confusion during the succession proceedings.
5. He states that the rectification is necessary for the transmission of the properties he is inheriting from his father's estate. This was informed by the fact that the Administrator of the Estate herein, who is his brother, informed him that the Land Registrar denied the application for transfer by transmission because their names were too similar.
6. The Applicant states that he is advised by his advocates that the Land Registrar relies on the National Identification Card and the KRA PIN to establish identity in a conveyance, which is supported by the Registrar's comments, and further, the Administrator did not attach his National ID to the application. Further that he is advised by his advocate that for a transfer

by transmission, the name in the grant must match the name on the National ID and KRA PIN, a position also supported by the Registrar's comments.

7. He believes that even if the Court grants the rectification, the Administrator will not agree to execute the transmission documents, as he now insists the Applicant should do a Deed Poll instead, as the only way he would execute the transfer.
8. He reiterated that the name HANNINGTON KAMBUGU NJOROGE is a name given to him by his parents at birth, not a self-imposed name. That the similarity of his name to his brother's (the Administrator) should not cause any fault.
9. He maintained that this rectification of the grant to match his official documents does not interfere with any other beneficiary's property, and he simply wishes for the rectification so he can get his properties under his own name for the sake of his children.
10. He further informs this Court that two beneficiaries named in the Grant, Moses Kamau Njoroge and Peris Wanjiru Njoroge, have since passed away. He thus states that it is desirable for the Court to rectify the error.
11. The application was served on the administrator of the Estate and various other beneficiaries. However, no response was filed.

**Determination.**

12. The only issue for determination herein is whether the Application for rectification is merited. Section 74 of the Law of Succession Act provides that: -

***“Errors in names and descriptions, or in setting out the time and place of the deceased’s death, or the purpose in a limited grant, may be rectified by the court.”***

13. Rule 43(1) of the Probate and Administration Rules provides that: -

***“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.”*

14. It is thus evident that rectification of a Grant of Letters of Administration is limited to matters set out under Section 74 of the Law of Succession Act.
15. Under this provision rectification of grant deals specifically with correction of error which the court may order without changing the substance of the grant. This includes errors in names, description of any person or thing or an error as to the time or place of death of the deceased or the purpose for which a limited grant was issued.
16. In the present case, the Applicant stated during hearing of this Application that in the institution of this succession Cause, they agreed to have him use his baptismal name Douglas Chomba Njoroge, instead of his Birth name Hannington Kambugu Njoroge, because his name was very similar to the Administrator’s name, Hannington Wambugu Njoroge and they were apprehensive that confusion would arise.
17. The record shows that when the parties appeared before this Court on 10<sup>th</sup> March, 2025, which was prior to the filing of this application, the Applicant herein confirmed that indeed the name which is in his National Identify card No. 4670186 is Hannington Kambugu Njoroge, while his family and all other people refer him by his baptismal name Douglas Chomba Njoroge.
18. His brothers James Waihenya Njoroge and Gilbert Mathenge Njoroge also addressed the Court confirming that the Applicant herein is their brother and urged this Court to allow the Application as prayed to allow transmission of the properties to all the beneficiaries.
19. It is only the Administrator who opposed the rectification, thus prompting this application. However, the Administrator never filed any response in affirmation or opposition to rectification of the said Grant.

20. In support of his application, the Applicant has tendered in evidence a letter of verification dated 27<sup>th</sup> March, 2025 from the Sub-County Civil Registrar, Nakuru-North Sub-County, addressed to Wanjira & Mugambi LL.P Advocates. It confirms the authenticity and validity of the certificate of birth for HANNINGTON KAMBUGU (Entry No. L03100006/2023, which shows that the Applicant name is HANNINGTON KAMBUGU MUGAMBI, date of Birth is 01/01/1951 and the mother name and fathers name is PERIS WANJIRU NJOROGE AND JOSEPH NJOROGE GITHUA respectively. The letter confirms these details are true and correct and was issued under the provisions of the Births and Deaths Registration Act.
21. His National Identity card, produced in evidence in this case, depicts the name, HANNINGTON KAMBUGU NJOROGE, and lists the Serial Number as 29614334 and ID Number as 4670186. The same name appears for his KRA PIN number A010264387U.
22. Based on the evidence herein, this Court is satisfied that error in name falls under things that a court can rectify in a grant under section 74 of the Law of Succession Act. It is clear that transmission of the Estate of the deceased herein has been clogged by this genuine error and the Administrator herein should not perpetuate this error in the circumstances herein.
23. In conclusion therefore, the application dated 17<sup>th</sup> March, 2025 is merited and allowed as prayed. No orders as costs.

**Dated, signed and delivered at Nakuru this 19<sup>th</sup> Day of November, 2025.**

**PATRICIA GICHOHI**

**JUDGE**

**Wanjira for Applicant**

**Hannington Kambugu Njoroge -Administrator**

**Kamau, Court Assistant**

ORIGINAL