



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI FAMILY DIVISION
SUCCESSION CAUSE NO. E1537 OF 2020
IN THE MATTER OF THE ESTATE OF HARRISON KARANJA
MBUGUA (DECEASED)

RULING

1. Before this Honourable court is summons for Rectification of Grant dated 26th June 2025. The applicants pray for the following orders:
 - (a) **THAT** the Certificate of Confirmation of Grant made to the said MARY NYAMBURA KARANJA, ESTHER NJERI KAMOTHO, MILKAH WAIRIMU KARANJA, DEBBRAH NDUTA KARANJA and DANIEL MBUGUA KARANJA in this matter be rectified as per the schedule in the summons for rectification of grant dated 26th of June 2025.
 - (b) **THAT** costs be in the cause.
2. The Summons were supported by the affidavit sworn by MARY NYAMBURA KARANJA, ESTHER NJERI KAMOTHO, DANIEL MBUGUA KARANJA, MILKAH WAIRIMU KARANJA and DEBBRAH NDUTA KARANJA on even date.
3. The applicants deposed that the properties present in the

schedule listed in the Summons for Rectification of Grant and in the affidavit in support of the same summons, were omitted from previous proceedings. They also deposed that the Co-operative Bank (k) Ltd account was erroneously typed as 011090987200 instead of 0119088451200. It is for these reasons the Applicant prays for the Confirmation grant to be rectified.

4. The applicants annexed to their consent as beneficiaries for Rectification of Grant and Consent to the mode of distribution of the said property signed and dated the same day. The Summons are consented to and not opposed.

DETERMINATION

5. I have considered the Summons and the Affidavit in Support. Rectification of Grants is provided for in section 74 of the Law of Succession Act and Rule 43(1) of the Probate and Administration Rules. Section 74 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.”

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. From the language of section 74 and Rule 43(1), the scope of rectification of grants of representation is limited to errors in names and descriptions of property. The inclusion of assets of the deceased falls outside the ambit of the aforementioned provisions.
8. Where new assets are discovered after distribution, it would be imprudent to seek rectification, or alteration, or amendment of the Certificate of Confirmation of Grant. Such changes are substantive in nature and not superficial and cannot be affected without touching the orders made by the court at the distribution of the estate. Accordingly, the proper approach is to make an application for a review of the orders made at the confirmation of the grant. This was held in **Re Estate of Charles Kibe Karanja (Deceased) 2015 eKLR.**
9. However, this Court is still clothed with jurisdiction to issue orders that will meet the end of justice. Rule 73 of the

Probate and Administration Rules, provides that:

“Nothing in these Rules shall limit or otherwise affect the inherent power of the court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court.”

10. From the foregoing, I hereby allow the prayer as prayed.

11. The upshot is that the Summons for Rectification dated 26th June 2025 are hereby allowed. Certificate of Confirmation of Grant to be rectified forthwith according to prayer (1) of the Summons.

12. The costs of the Application be in the Cause.

It is so ordered.

DATED and DELIVERED at NAIROBI this 2nd day of December 2025.

E. K. OGOLA
JUDGE

In the presence of:

Mr. Oduor..... for the Applicants.

Gisiele..... Court Assistant