



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI FAMILY DIVISION
SUCCESSION CAUSE NO. 533 OF 1990
IN THE MATTER OF THE ESTATE OF JACKSON NJOROGE KUNINA
(DECEASED)

RULING

1. Before this court is Summons for Rectification of Grant dated 24th June 2025. The applicants pray for the following orders:
 - (a) **THAT** the Property Mwana Mukia Plot be amended to read as;
 - I. Mwana Mukia Plot Kabati
 - II. Mwana Mukia Githurai, Plot 268.
 - (b) **THAT** names of Catherine Wanjiru be rectified to read as Catherine Wanjiku Njoroge and Samuel Karanja be rectified to read as Jackson Njoroge Karanja respectively.
 - (c) **THAT** costs of this application be provided for.
2. The Summons were supported by the affidavit sworn by Joyce Wangoi Njoroge on the even date.

DETERMINATION

3. I have carefully considered the Summons and the Affidavit in Support. 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:

“74. 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) 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.”

5. 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.

6. The Court has reviewed the record and particularly the consent to confirmation of grant dated 16th June 1997. As regards, the proposed rectification of the name Catherine

Ruling

Succession Cause No.533 of

Wanjiru to Catherine Wanjiku Njoroge, the court notes that in the said consent to confirmation, the name appearing and signed against is Catherine Wanjiku Njoroge. This satisfies that error in the confirmed grant was clerical in nature and falls within the ambit of Section 74 and Rule 43(1) aforementioned.

7. With respect to the proposed rectification of the name Samuel Karanja to Jackson Karanja Njoroge, the Court observes that the same consent dated 16th June 1997 bears the name Samuel Karanja, with a corresponding signature against it. There is no documentary evidence or affidavit on record linking Samuel Karanja and Jackson Karanja Njoroge as one and the same person or showing that the latter is a beneficiary to the estate of the deceased as is proven for Samuel Karanja. However, this court is satisfied that Jackson Karanja Njoroge and Samuel Karanja are indeed the same person and that the inclusion of the former name (Samuel Karanja) was a bona fide error.
8. As regards the description of the property, the Court notes that the record and annexures show that what was captured as a single property actually comprises two separate parcels. The Court finds that this is a clerical or descriptive error, which is amenable to correction under Section 74 of the Law of Succession Act.
9. The upshot is that the Summons for Rectification of Grant dated 24th June 2025 are allowed as prayed.

Ruling
Succession Cause No.533 of

10. The costs will be in the cause.

It is so ordered.

DATED and DELIVERED at NAIROBI this 18th day of December,
2025.

E. K. OGOLA
JUDGE

In the presence of:

Mr. Munyembu holding brief for Khaminwa

Mr. Ndungu holding brief Mbuthia -

Gisiele.....

Assistant.

Court