



REPUBLIC OF KENYA



**In re Estate of the Late Amos Mwangi Kihara (Deceased) (Succession Cause E676 of 2023) [2025] KEHC 19073 (KLR) (Family) (18 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19073 (KLR)

**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**SUCCESSION CAUSE E676 OF 2023**

**EKO OGOLA, J**

**DECEMBER 18, 2025**

**IN THE MATTER OF THE ESTATE OF THE LATE AMOS MWANGI KIHARA (DECEASED)**

**IN THE MATTER OF**

**VALENTAINE WANGUI PUSHATI ..... APPLICANT**

**RULING**

1. Before this court is a Summons for Rectification of Grant dated 19<sup>th</sup> September 2025, which is supported by the affidavit of Valentine Wangui Pushati dated 19<sup>th</sup> September 2025, seeking the following orders:
  1. That the Grant of letters of Administration Intestate issued on the 30<sup>th</sup> August 2023 rectified on then 20<sup>th</sup> January 2025 and then certificate of confirmation of grant dated 20<sup>th</sup> January 2025 issued to Valentine Wangui, Kelvin Kihara Wanjiru, Ryne Giggs Githinji And Cecelia Njoki Kihara be amended by adding the third name Pushati to capture the full names as (Valentine Wangui Pushati) instead of Valentine Wangui.
  2. That cost of this application be in the cause.
2. The Grant of letters of administration intestate was issued on the 30<sup>th</sup> August 2023 and rectified on the 20<sup>th</sup> January 2025 and the certificate of confirmation of grant was issued on 20<sup>th</sup> January 2025.
3. The Applicant avers that the name indicated in the confirmation of grant excluded her third name and the error was only realized upon presentation of the Certificate of grant to the bank to effect distribution of the deceased's assets. (Annexed is a copy of the certificate of confirmation of grant).
4. The Applicant avers that the Administrators/beneficiaries of the deceased estate will not suffer any prejudice if the rectification is made.
5. The application is unopposed.



## Disposition

6. This summons is brought pursuant to section 47 and 74 of the Laws of Succession Act; and Rule 43 of the Probate & Administration Rules.

Section 74 of the *Law of Succession Act*, Cap 160, Laws of Kenya 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.”

Rule 43(1) of the Probate and Administration Rules further stipulates that:-“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 of 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.”

7. From the aforementioned provisions, rectification is allowed in order to correct a misdescription of a property or to correct a name which has not been fully or properly described in the Grant.
8. Having considered this Summons for Rectification of Grant and the Affidavit in support thereto, I find that the same meets the threshold provided under section 74 of the Laws of Succession Act as there was an error in the names captured in the Certificate of Grant dated 20<sup>th</sup> January 2025.
9. The upshot is that I allow the Summons dated 19<sup>TH</sup> September 2025 as prayed and Cost of the Application be in the cause.

It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 18<sup>TH</sup> DAY OF DECEMBER, 2025.**

**E.K OGOLLA**

**JUDGE**

In the presence of:

M/s Mumbi holding brief Morara..... for the Applicant.

M/s Ochieng..... for the Objector.

Gisiele..... Court Assistant.

