



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

SUCCESSION CAUSE NO. E080 OF 2022

IN THE MATTER OF ESTATE OF CYRUS GICERU MUCUKU

(DECEASED)

WINNIE MBAIRE.....APPLICANT

VERSUS

ANDERSON NG'ETHE.....1st RESPONDENT/ADMINISTRATOR

DAVID NGUYAI.....2nd RESPONDENT/ADMINISTRATOR

RULING

1. Before me is a Summons for Rectification of Grant Application dated 30th June 2025 filed pursuant to **Order 45 (1)** of the Civil Procedure Rules and rules 49,59 and 63 of the Probate and Administration Rules) by the Administrators of the estate of the above-named Cirus Giceru Mucuku (Deceased) who died on 15th January 2021 whose grant was confirmed on the 25th April 2024 and now seeking the following reliefs: -

- i. The properties to be distributed as per the amended consent.**
- ii. That, costs of this application be in the cause**

2. The Application is supported by the sworn Affidavit by the Administrators and is premised on ground that the Application seeks to include assets of the deceased forming part of the estate that were omitted at the confirmation of grant stage.
3. On the 13th of November 2025 this court retired to peruse the filed summons on the CTS that the court could not instantly view, after **Counsel Ngure** urged the same to be allowed on the basis that, all beneficiaries were online and had consented to the rectification sought to include the twelve (12) properties appearing below the consent.
4. The Court has considered the summons recalling that it is paramount that the court is persuaded that a property sought to be included did indeed belong to the deceased, the entire probate file lack such proof of ownership of the twelve (12) newly introduced properties. This court has retraced the filings back to the 17th August 2022 when the probate was initiated.
5. The Court equally notes the introduction of two individuals unknown to the estate of the deceased. In this regard this court is unable to tell who **Esther Nunga Muchuku** and **Samuel Kimani Muchuku** is? and in what capacity they are included as beneficiaries?
6. Court in exercise of its inherent Jurisdiction necessary for the ends of justice, rather than dismiss this Application defer and hold in abeyance the ruling, and direct the Administrators as follows;
7. Resultant orders;

- i. The Administrators are to file within the next fourteen (14) days, a detailed supplementary affidavit providing proof of ownership by the deceased as well as information regarding Esther Nunga Muchuku and Samuel Kimani Muchuku.**
- ii. Ruling shall be on the 26th March 2026.**

It is So Ordered

**Dated, Signed and Delivered at Nakuru
On this day of 29th Day of January, 2026**

**S. Mohochi
JUDGE**