



**In re Estate of Nyawira Kiiru (Deceased) (Succession Cause E2076 of 2021)
[2026] KEHC 375 (KLR) (Family) (20 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 375 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE E2076 OF 2021
EKO OGOLA, J
JANUARY 20, 2026
IN THE MATTER OF THE ESTATE OF NYAWIRA KIIRU (DECEASED)**

IN THE MATTER OF

**FRANCIS WAHOME KIIRU 1ST APPLICANT
PRISCILLA NJOKI KIIRU 2ND APPLICANT
DAVID NGANGA KIIRU 3RD APPLICANT**

RULING

1. The application before this court is dated 20th March 2025. The applicants pray for the following orders:
 - a. That the grant of letters of administration issued to the said Wahome Kiiru, Francis Wahome Kiiru, Priscilla Njoki Kiiru, and David Nganga Kiiru in this matter on 9th May 2023 be rectified in the following respects as provided for by Rule 43(1) of the Probate and Administration Rules by Removing and Replacing the name of Wahome Kiiru (Deceased) with Virginia Njeri Ngaruiya of ID No. XXX.
 - b. That the Certificate of Confirmation of Grant dated 28th November 2023 issued in this matter be rectified in the following respects as provided for by Rule 43(1) of the Probate and Administration Rules as provided below:-
 - i. Shares in Safaricom Limited, Shares in National Bank Limited, Shares in Kengen, and Shares in Absa Bank Limited be transferred to Lucy Wanjiru Kibandi of ID No. XXX to hold in trust for all other beneficiaries.



- ii. Francis Wahome Kiiru, Priscilla Njoki Kiiru, David Nganga Kiiru and Virginia Njeri Ngaruiya be allowed to sell Ngobit/Supuko Block IV/228 for and on behalf of all surviving beneficiaries.
 - iii. Francis Wahome, David Nganga and the late Mwangi's Children (Mercy Waitthera and Veronica Nyawira) be allowed to sell Ngobit/Supuko Block IV/228.
- c. That the costs of this application shall be provided for.
2. The application was based on the grounds set out therein and the applicants' joint Supporting Affidavit.
 3. The grant of letters of Administration was issued on 9th May 2023 to four administrators, the applicants and one Wahome Kiiru. The grant was confirmed, and a Certificate of Confirmation of Grant was issued on 28th November 2023 showing how the estate was to be distributed amongst the beneficiaries.
 4. One of the four administrators, Wahome Kiiru passed away on 20th August 2024. The remaining administrators pray that the Certificate of Confirmation of grant be rectified and the late Wahome Kiiru be replaced with Virginia Njeri Ngaruiya.
 5. According to the applicants, the beneficiaries have agreed to rectify and amend the mode of distribution of the estate by transferring and selling part of their share in the estate.

Determination

6. The law on rectification of grant of letters of administration and Certificate of Confirmation of Grant is provided for in Section 74 of the Law of Secession Act and Rule 43(1) of the Probate and Administration Rules:
7. Section 74 reads 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.”
8. Rule 43(1) 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 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 in Form 110 for such rectification through the registry and in the cause in which the grant was issued.”

From the aforementioned provisions, rectification is allowed so as to correct a misdescription of a property or to correct a name which has not been fully or properly described in the Grant.

9. The applicants pray that one of the administrators be replaced and also for the mode of distribution to be amended. It would be imprudent to seek rectification, alteration or amendment of the certificate of confirmation of grant. Such changes are fundamental, not superficial. They go to the core of the distribution. They cannot be affected without touching the orders made by the court at the



distribution of the estate. Consequently, such changes cannot and should not be effected through a mere amendment of the certificate of confirmation of grant.

10. However, this Court is still clothed with jurisdiction to issue orders that will meet the ends 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.”

11. From the foregoing, I hereby allow the application dated 20th March 2025, and I make the following orders:

- a. That the Certificate of Confirmation of Grant issued on 28th November 2023 be amended in the following terms:-
- i. The name of the Late Wahome Kiiru be replaced with Virginia Njeri Ngaruiya of ID No. XXX as one of the administrators
 - ii. The shares in Safaricom Limited, Shares in National Bank Limited, Shares in Kengen, and Shares in Absa Bank Limited be transferred to Lucy Wanjiru Kibandi of ID No. XXX to hold in trust for all other beneficiaries.
 - iii. The administrators to sell Ngobit/Supuko Block IV/228 on behalf of the surviving beneficiaries.
- b. That the costs be in the cause.

Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 20TH DAY OF JANUARY 2026

.....
E.K. OGOLA

JUDGE

In the presence of:

No Appearance..... for the Applicants

Gisiele Muthoni.....Court Assistant

