



REPUBLIC OF KENYA



**In re Estate of Eparas Wangui Ndegwa (Deceased) (Succession Cause
1282 of 1991) [2026] KEHC 1114 (KLR) (Family) (5 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1114 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1282 OF 1991
EKO OGOLA, J
FEBRUARY 5, 2026
IN THE MATTER OF THE ESTATE OF EPARAS WANGUI NDEGWA (DECEASED)
IN THE MATTER OF
JACKSON KARIUKI NDEGWA APPLICANT**

RULING

1. The Summons for rectification of grant is dated 16th September 2025. The applicant prayed for the following orders:
 - a. That this honorable court be pleased to rectify the Certificate of Grant of letters of administration as rectified on 8th July 2025 in respect of the estate of Eparas Wangui Ndegwa (deceased)
 - b. That the said rectified grant be amended to reflect the death of Charles Henry Mangua on 20th March 2021, prior to the distribution of the estate.
 - c. That the said rectified grant be amended to reflect the death of Geoffrey Wachira Ciira on 31st July 2023, prior to the distribution of the estate.
 - d. That the schedule of distribution be rectified to provide as follows:
 - i. All shares in Laikipia West Farmers Co. Limited and Cash in Bank, Kshs. 1,545.70 to be distributed absolutely to: Gibson Mbari Ndegwa, Alfred Henry Mutahi, Jane Gathoni Ndegwa, and Koinange Mangua.
 - ii. Land parcel Muhito/Thiha/253 to be shared equally between: Mark Henry Ndegwa Wachira (To hold it in trust for the heir of the late Geoffrey Wachira Ciira) and Felix Muriithi Kariuki.



- iii. Land Parcel ½ of Githi/Kirerema/4 and Laikipia/Kinamba Mwenje Block 1/962 to be distributed absolutely to Jackson Kariuki Ndegwa.
2. The summons was based on the applicant's supporting affidavit, sworn on the same date and the further affidavit dated 13th November 2025.

Determination

3. 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:
4. 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.”
5. 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.”
6. From the aforementioned provisions, rectification is allowed to correct a misdescription of a property or to correct a name which has not been fully or properly described in the Grant.
7. The applicants pray that one of the beneficiaries 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 effected 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.
8. 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.”
9. From the foregoing, I hereby allow the Summons of rectification dated 16th September 2025. The Certificate of Confirmation of grant issued to Jackson Kariuki Ndegwa, dated 16th November 2010; rectified on 29th April 2019 and further rectified on 8th July 2025 be further rectified as per the Further affidavit dated 13th November 2025. Costs be in the cause.

Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 5TH DAY OF FEBRUARY 2026



.....
E.K. OGOLA

JUDGE

In the presence of:

Ms. Wamaitha for the Applicant

Gisiele Muthoni Court Assistant

