

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**FAMILY DIVISION**  
**SUCCESSION CAUSE NO. E.3388 OF 2022**

**IN THE MATTER OF THE ESTATE OF ELIJAH KIOI KARIUKI**  
***alias* KIOI KARIUKI (DECEASED)**

**DORCAS A. NYALWIDHE ..... APPLICANT/PUBLIC  
TRUSTEE**

**RULING**

1. The summons for rectification of grant before the court is dated 19<sup>th</sup> December 2025. The applicant prays that the Certificate of Confirmation of Grant issued to the Public Trustee on 19<sup>th</sup> December 2023 be rectified as one of the properties, namely Title No. Kiganjo/Nembu/296 was erroneously described as Kiganjo/Nembu/292.
2. The power of the Court to rectify a grant is donated by section 74 of the Law of Succession Act, which provides that errors in names and descriptions, or in setting out the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the Court. Rule 43 of the Probate and Administration Rules further sets out the procedure to be followed where such rectification is sought.
3. Rectification is therefore available where the mistake is minor, typographical or clerical in nature, and where the

Court is satisfied that the amendment sought does not amount to a re-distribution of the estate or introduction of a new asset that was not contemplated at the time of confirmation.

4. I have considered the material placed before me. The complaint by the applicant is specific: that the confirmed grant refers to parcel number **Kiganjo/Nembu/292** whereas the correct parcel number is **Kiganjo/Nembu/296**. There is no contest regarding the beneficiaries or the shares allocated. The error relates solely to the numerical description of the land reference.
5. In my view, such an error falls squarely within the ambit of section 74 of the Act. It is a mistake in description capable of being corrected so as to give effect to the true intention of the confirmed grant. Failure to correct the same would occasion unnecessary difficulty in the transmission and registration of the property.
6. From the foregoing, I find that the Summons dated 19<sup>th</sup> December 2025 is merited. The Certificate of Confirmation of Grant dated 19<sup>th</sup> December 2023 be rectified accordingly.

It is so ordered.

**DATED and DELIVERED at NAIROBI this 17<sup>th</sup> day of February  
2026**

.....

**E.K. OGOLA**  
**JUDGE**

***In the presence of:***

M/s Ruto..... for the

Public Trustee

Gisiele Muthoni .....

Court Assistant

ORIGINAL