

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
SUCCESSION CAUSE NO. 337 OF 2007

**IN THE MATTER OF THE ESTATE OF SAMSON CHEPKWONY
BUNE (DECEASED)**

**LILY CHEPKIRUI
BUNE.....ADMINISTRATOR/APPLICANT**

RULING

1. The deceased, ***Samson Chepkwony Bune***, passed away on 28th December 1998. Grant of Letters of Administration intestate were issued to ***Lily Chepkui Bune***, the Applicant, on 29th September 2008. The grant was subsequently confirmed on 7th October 2021, and a Certificate of Confirmation of Grant was duly issued on 19th October 2021.

2. By a Summons for Rectification of Grant dated 25th November 2025], brought under Rule 43(1) of the Probate and Administration Rules and Section 74 of the Law of Succession Act, the Applicant seeks to rectify the confirmed grant.

3. The application is supported by the Applicant's own affidavit sworn on even date. The core grievance is a discrepancy in the names of the deceased as they appear on various official documents.

4. The applicant states that the confirmed grant refers to the deceased as ***SAMSON CHEPKWONY BUNE***. She exhibits a copy of the deceased's death certificate, marked as "LCB2", which bears the name ***SAMSON CHEPKWONY BONE***.

5. Furthermore, she exhibits an official search for the only asset in the estate, land parcel number **KERICHO/KABARTEGAN/360**, marked as “LCB3”. This search indicates that the property is registered in the name of **CHEPKWONY ARAP BUNE**.

5. The Applicant contends that these three names, **SAMSON CHEPKWONY BUNE**, **SAMSON CHEPKWONY BONE**, and **CHEPKWONY ARAP BUNE**, all refer to one and the same person, the deceased herein. She argues that this disparity in names has significantly delayed the implementation of the confirmed grant, as the administrators and beneficiaries cannot effectively deal with the asset due to the name mismatch.

6. She clarifies that the rectification sought is purely clerical and administrative. The substantive mode of distribution of the land parcel **KERICHO/KABARTEGAN/360**, as contained in the confirmed grant issued on 7th October 2021, remains unchanged. The only prayer is to have the grant rectified to reflect the full and correct identity of the deceased, consolidating the names from all relevant records.

7. I have considered the application, the supporting affidavit, and the annexures. The power of this court to rectify grants is provided for under Section 74 of the Law of Succession Act, which states;

"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. This provision is buttressed by Rule 43(1) of the Probate and Administration Rules, which allows for the rectification of a grant where it contains an error in the name or description of any person or thing.

9. The circumstances of this case fall squarely within the ambit of these provisions. The documents presented by the Applicant convincingly demonstrate that the same individual was known by or recorded under slightly different variations of his name.

10. The name on the title deed, **CHEPKWONY ARAP BUNE**, is a traditional African name. The name on the death certificate, **SAMSON CHEPKWONY BONE**, incorporates a Christian name, "Samson," and a slight phonetic variation in the spelling of the surname from "**Bune**" to "**Bone**." The grant uses **SAMSON CHEPKWONY BUNE**. I am satisfied that all these names are intended to, and in fact do, identify the same person, the deceased.

11. The rectification sought is not to alter the shares of the beneficiaries or to introduce a new asset. It is purely to correct the record to reflect the deceased's identity in a comprehensive manner that aligns with all public records. This will facilitate the transmission of the land to the beneficiaries as intended by the confirmed grant.

12. For the reasons set out above, I find the Summons for Rectification of Grant dated 25th November 2026 to be meritorious giving rise to the following orders;

a) The grant of letters of administration issued to LILY CHEPKIRUI BUNE on 29th September 2008, and the Certificate of Confirmation of Grant issued on 19th October 2021, are hereby rectified.

b) Consequently, the name of the deceased shall henceforth be reflected in all records of this succession cause as SAMSON CHEPKWONY BUNE alias CHEPKWONY ARAP BUNE alias SAMSON CHEPKWONY BONE.

d) That no orders as to costs.

Dated, signed and delivered at Kericho this 12th day of March, 2026.

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**J. K. SERGON
JUDGE**

In the Presence of:-

C/Assistant - Rutoh

No Appearance