

THE REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT KIAMBU

SUCCESSION CAUSE NO. E048 OF 2022

ESTATE OF DAVID KAMAU MURIGE (DECEASED)

RULING

1. Before this Court is a Summons for Rectification of Grant dated 16th December 2025, filed pursuant to Section 74 of the Law of Succession Act and Rule 43 of the Probate and Administration Rules. It seeks to rectify the Grant of Probate issued to Paul Ndungu Kanori and David Murigi Kariuki, as confirmed on 9th October 2023. The Summons seeks to correct errors of names of the beneficiaries and errors on acreages of the properties of the deceased.
2. The Summons is anchored on the grounds set out on the face of it, and the affidavit in support thereof, sworn by Mr. Paul Ndungu Kanori on 16th December 2025, with the consent of the deceased Estate's co-administrator, Mr. David Murigi Kariuki. Mr. Ndungu stated that the errors sought to be rectified were realized when distribution of the said Estate was being done. He stated that the amended consent shows the correct names of the beneficiaries, acreage of land and distribution of the deceased's Estate. He also stated that the widow of the deceased, Margaret Waithira Kamau, passed on and could not sign the amended consent. He urged this Court to allow the application.
3. I have considered the Summons for Rectification of Grant, the affidavit in support thereof and the amended consent dated 16th October 2025. This Court notes the rectification of the names of the deceased's beneficiaries are in respect to the following:

a) Samuel Kungu Kamau also known as Kamau Samuel Kungu.

b) Jane Mugure also known as Jane Mugure Waweru.

c) Peninah Wambui also known as Peninah Wambui Kariuki.

d) Rahab Wanja also known as Rahab Wanja Kamau.

e) Simon Wairire Kamau also known as Simon Muiru Kamau.

4. In respect to the land acreage, this Court notes that the following are the proposed rectifications:

a) L.R. Mavoko Municipality Block 31/42 measuring appropriately 0.0252 and not 0.0525 Ha.

b) L.R Tigoni/Mabrooke Block 1/980 not Block 1/960 measuring appropriately 0.045Ha not 0.0252Ha.

c) L.R.Kiambu/Munyu/3535 measuring appropriately 0.045HA not 0.450HA.

d) Ngecha Kabuku/T.119 measuring approximate 0.125 acres not 125 acres.

ANALYSIS AND DETERMINATION.

5. The law on Rectification of Grant is provided for by Section 74 of the Law of Succession Act, Cap 160 of the Laws of Kenya and Rule 43(1) of the Probate and Administration Rules.

6. Section 74 of the Law of Succession Act provides that:-

[74]. Errors may be rectified by Court

Errors in names and descriptions, or in setting fourth 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.

7. Rule 43(1) of the Probate and Administration Rules provides as follows:-

[43]. Rectification of grant

(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.

8. It is trite that Rectification of Grant is limited to correction of mis-description of properties or to names, which have not been fully or properly described in the Grant, or of any other minor errors or mistakes that would not have far reaching consequences in the Grant. This Court has also confirmed that one of the beneficiaries and widow of the deceased, Margaret Waithira Kamau, is also deceased, as indicated in the death certificate entry number 0132501395, attached to the affidavit in support of the instant Summons.
9. This Court finds that the Rectification of Grant being sought herein, is based on the description of the acreage of the properties of the deceased and names of the beneficiaries of the deceased's Estate, which shows that the Summons herein is merited.
10. In the end, I make the following orders:
 - (i) **A Rectified Certificate of Confirmation of Grant shall issue to Paul Ndungu Kanori and David Murigi Kariuki as per the proposed amendments pursuant to the Summons of Rectification of Grant dated 16th December 2025.**
 - (ii) **There shall be no orders as to costs.**

It is so ordered.

**DATED, SIGNED and DELIVERED at KIAMBU on this 30TH day of APRIL, 2026.
Ruling delivered through Microsoft Teams Online Platform.**

**NJOKI MWANGI
JUDGE**

In the presence of:

Ms Zipporah Ndegwa for the Executors/applicants
Ms Julia – Court Assistant.