



REPUBLIC OF KENYA



**In re Peter Muthee Mwangi alias Peter Joshua Mwangi alias P. J Mwangi (Deceased)
(Succession Cause 118 of 2017) [2025] KEHC 6082 (KLR) (28 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 6082 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
SUCCESSION CAUSE 118 OF 2017
DO CHEPKWONY, J
MARCH 28, 2025**

**IN THE ESTATE OF THE LATE PETER MUTHEE MWANGI ALIAS
PETER JOSHUA MWANGI ALIAS P. J MWANGI (DECEASED)**

RULING

1. What is before the court for determination is the Summons for Rectification of Grant dated 25th February, 2025, in which the Applicant seeks for the following orders to issue:-
 - a. That the letter of Administration Intestate issued at Kiambu on 18th December, 2017 be rectified to remove Rosemary Wanjiku Mwangi as a Co- Administrator and to reflect Anthony Mwangi Kiiru as the Sole Administrator the said Estate after the demise of the said Rosemary Wanjiku Mwangi.
 - b. That the Rectified Certificate of Confirmation of Grant to the Estate Peter Muthee Mwangi Alias Peter Joshua Mwangi Alias Peter J. Mwangi (deceased) dated 28th September, 2021 be further rectified to remove Rosemary Wanjiku Mwangi as a Co- Administrator and to reflect Anthony Mwangi Kiiru as the Sole Administrator of the said Estate after the demise of the said Rosemary Wanjiku Mwangi.
 - c. That the Rectified Certificate of Confirmation of Grant to the Estate Peter Muthee Mwangi Alias Peter Joshua Mwangi Alias Peter J. Mwangi (deceased) dated 28th September, 2021 be further rectified to include Property Title Number Ruiru East/Juja East Block 2/T.3051, Kambaa Plot No. 51 (Githunguri) and 5,000 shares in Kambaa Tea Factory as forming part of the deceased assets.
 - d. That the Rectified Certificate of Confirmation of Grant to the Estate Peter Muthee Mwangi Alias Peter Joshua Mwangi Alias Peter J. Mwangi (deceased) dated 28th September, 2021 be further rectified to transfer absolutely the above- mentioned Property Title Number Ruiru East/Juja East Block 2/T.3051 to Paul Kihumba Mwangi of ID Number: 44XXXXXX, Kambaa Plot No. 51 (Githunguri) and the 5,000 shares in Kambaa Tea Factory to Anthony Mwangi Kiiru of ID Number: 92XXXXXX.



- e. That the Rectified Certificate of Confirmation of Grant to the Estate Peter Muthee Mwangi Alias Peter Joshua Mwangi Alias Peter J. Mwangi (deceased) dated 28th September, 2021 be further rectified to reflect the asset described as LR NO. 1556/74 to read as Plot 17 being 1.212 Ha of LR No. 1556/ 74.
 - f. That the Rectified Certificate of Confirmation of Grant be further rectified to indicate that the Late Rosemary Wanjiku Mwangi'S Share of the Deceased's Estate devolves to her named beneficiaries: Lan Kariuki Njoroge, Ivy Wambui Njoroge, And Elvis Kiiru Njoroge, jointly and to reflect distribution of deceased properties/estate as per the schedule included thereon.
2. The Application is based on the grounds set out on its face of it and the Supporting Affidavit by Anthony Mwangi Kiiru sworn on the instant date, wherein he has deponed that when the deceased died, the court appointed Rosemary Wanjiku Mwangi and himself as the Administrators of his Estate. That Rosemary Wanjiku Mwangi has since passed on and there is need to rectify the Grant to remove her as an administrator and devolve her shares to her beneficiaries Lan Kariuki Njoroge, Ivy Wambui Njoroge, and Elvis Kiiru Njoroge.
 3. The Applicant also seeks to rectify the grant to include other discovered assets of the Estate of the deceased being Property Title Number Ruiru East/Juja East Block 2/T.3051, Kambaa Plot No. 51 (Githunguri) and 5,000 shares in Kambaa Tea Factory. It also seeks to transfer absolute interest of Property Title Number Ruiru East/Juja East Block 2/T.3051 to Paul Kihumba Mwangi of ID Number: 44XXXXXX, Kambaa Plot No. 51 (Githunguri) and the 5,000 shares in Kambaa Tea Factory to Anthony Mwangi Kiiru of ID Number: 92XXXXXX and to further rectify the asset listed as LR. NO. 1556/74 to read as Plot 17 being 1.212 Ha of LR. No. 1556/74.
 4. It is the Applicant's case that these proposed rectifications will aid in the effective administration of the Estate of Peter Muhee Mwangi whereupon the property effectively transmitted to the beneficiaries of his Estate. He has urged the court to allow the application as prayed.

Analysis and Determination

5. Having read through the Summons for Rectification of Grant and Supporting Affidavit alongside the included Schedule of Distribution, I find the issue for determination being whether the same is meritable?
6. The Summons have been brought pursuant to the provision of Section 74 of the [Law of Succession Act](#) and Rule 43 of the [Probate and Administration Rules](#).
7. The jurisdiction of this court to order rectification of grant is enshrined under 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, and the grant of representation, whether before or after confirmation, may be altered and amended accordingly.”
8. Rule 43 of the [Probate and Administration Rules](#) provides that:-

[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.

- (2) Unless at the time of issue of the summons the Registrar otherwise directs there shall be filed with the summons an affidavit in Form 13 by the Applicant containing such information as is necessary to enable the court to deal with the matter.
- (3) The summons, together with the affidavit (if any), shall without delay be laid by the Registrar before the court which may either grant the application without the attendance of any person or direct that it be set down for hearing on notice to the applicant and to such other persons (if any) as the court shall think fit.

9. In the matter of the *Estate of Geoffrey Kinuthia Nyamweinga (Deceased)* [2013] eKLR, the court stated thus:-

“The law on rectification or alteration of grants is Section 74 of the *Law of Succession Act* and Rule 43 of the *Probate and Administration Rules*-What these provisions mean is that errors may be rectified by the court where they relate to names or descriptions, or setting out of the time or place of deceased’s death. The effect is that the power to order rectification is limited to those situations, and therefore the power given to the court by these provisions is not general...”

10. In consideration of the prayers sought in the instant application, although the Summons for Rectification is unchallenged, this Court finds that the Applicant is seeking to have significant changes made in the Rectified Confirmation of Grant since what is required to be rectified and included in the said Grant does not amount to errors relating to names or descriptions or setting out of the time or place deceased or dealing which can be done through rectification.
11. The proposed alterations and or rectifications in this application are substantive since they relate to absolute transfer of some assets to some beneficiaries inclusion of newly discovered assets, removal of the name of an Administrator, Rosemary Wanjiku Mwangi, (now deceased) and devolving her shares to her beneficiaries, which ought to have or be done through an application for review of the Certificate of Confirmation of Grant and not Summons for Rectification of Grant
12. For this reason, this Court finds that Summons for Rectification dated 25th February, 2025 lacking in merit and the same is hereby struck out. Costs to be in the cause.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 28TH DAY OF MARCH , 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Wariara Ngugi counsel for Applicant

Court Assistant - Martin

