



**Kaloki & another v Mwambi (Succession Cause 55 of 2015)
[2024] KEHC 3235 (KLR) (20 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3235 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 55 OF 2015
EM MURIITHI, J
MARCH 20, 2024**

BETWEEN

RUTH KALOKI 1ST APPLICANT

SABINA KARAMBU 2ND APPLICANT

AND

HENRY M'CHOKERA MWAMBI PETITIONER

RULING

1. By chamber summons under certificate of urgency dated 20/3/2023, the applicants seek, “That the court do amend/rectify the certificate of confirmation of grant in respect of the names of Sabina Karambu to read as Harriet Nkatha.”
2. The grounds supporting the application are that the beneficiary indicated as Sabina Karambu is officially known as Harriet Nkatha in her National Identification Card. The said beneficiary since childhood has all along been known as Sabina Karambu but her official name is Harriet Nkatha. There is an error in the description of the said beneficiary which has forestalled the transmission of her share of the estate to her owing to the discrepancy in the names. She has annexed a copy of her primary school leaving certificate bearing the name Harriet Sabina Karambu and no party will be prejudiced if the grant is rectified.
3. The application is not opposed.



Analysis and Determination

4. Rectification of a grant under Section 74 of the *Law of Succession Act* is in respect of errors and mis-descriptions only. That Section provides as follows: -

“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.”
5. The court notes the letter referenced verification of fingerprint impressions by the Director of National Registration dated 6/11/2023 where it is expressed that, “The fingerprint impressions recorded on form C24 were searched in our fingerprint bureau and a record was traced bearing identical fingerprint impressions in the name Harriet Nkatha ID/NO 32XXXXXXX as authenticated by an extract of the register attached hereto. Returned, find form C24 bearing print impressions duly examined, verified and confirmed ‘Traced’ for your further action.”
6. The court further notes the letter by SCCIO Igembe North dated 23/11/2023 which reads in part that, “The office visited the area assistant chief Romano Muchiri C/O Tel 07XXXXXXXXX area manager Catherine Karimi Tel. 07XXXXXXXXXX with the accompany of the two, the office visited the homestead of M’Thiringa M’Arunga deceased and met the family members of three, Harriet Nkatha, Ruth Kaloki and Peter Mungai. The office found that Sabina Karambu is not official name but Harriet Nkatha and some copies filed in court for ease of reference.”
7. The court has also looked at the Kenya Primary School Leaving Certificate annexed to the application which bears the name Harriet Sabina Karambu and the chief’s letter dated 15/3/2022 confirming that Harriet Nkatha and Sabina Karambu is one and the same person.
8. This court finds that the applicants have satisfactorily proved on a balance of probability that Harriet Nkatha and Sabina Karambu is one and the same person, and thus the rectification sought falls within the purview of section 74 of the *Law of Succession Act*.

Orders

9. Accordingly, for the reasons set out above, the court finds that the application dated 20/3/2023 is merited and it is allowed in terms of prayer No. 2 as follows:
 - a. The name of Sabina Karambu in the certificate of confirmation of grant dated 15/8/2018 is amended to read as Harriet Nkatha.
 - b. There shall be no order as to costs.

Order accordingly.

DATED AND DELIVERED THIS 20TH DAY OF MARCH, 2024.

EDWARD M. MURIITHI

JUDGE

Appearances:

Mr. K. Muriuki for the Applicant.

