



In re Estate of Benjamin Garth Bundeh (Deceased) (Miscellaneous Succession Application E021 of 2024) [2024] KEHC 4837 (KLR) (25 April 2024) (Ruling)

Neutral citation: [2024] KEHC 4837 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU**

MISCELLANEOUS SUCCESSION APPLICATION E021 OF 2024

RE ABURILI, J

APRIL 25, 2024

FORMERLY KISUMU HIGH COURT SUCCESSION CAUSE NO. 9 OF 2016

IN THE MATTER OF THE ESTATE OF BENJAMIN GARTH BUNDEH

(DECEASED)

AND

IN THE MATTER OF SUMMONS TO RECTIFY A CONFIRMED GRANT

OF LETTERS OF ADMINISTRATION INTTESTATE

IN THE MATTER OF

DINAH ADHIAMBO BUNDEH APPLICANT

RULING

1. I have considered the application /summons for rectification of grant dated 25th March 2024, the grounds, supporting affidavit and the annextures.
2. I observe that the confirmed grant used initials of beneficiaries and that is sought to be corrected to indicate full names.
3. I find no prejudice will be occasioned to the beneficiaries. I allow the prayer as sought.
4. Secondly, it is averred that Dinah Adhiambo Bundeh held the share of Leon David Murage, Harold Stephen Murimi and Victor Bundeh in their trust because Victor Bundeh was not traceable but now he is available.
5. I grant the prayer for substitution of Dinah Adhiambo Bundeh with Leon David Murage, Harold Stephen Murimi and Victor Bundeh to hold their share jointly as given in the mode of distribution of estate annexed.



6. Lastly, it is averred that the measurements of the land as earlier given to the court were not accurate and the surveyor has since established the correct measurements as per the annexed ground map.
7. I allow the variation as proposed in the mode of distribution to accord with the ground map.
8. In the end, I set aside the earlier mode of distribution as per the certificate of confirmation of grant dated 26th June 2023 and substitute it with the fresh filed mode of distribution dated 25th March 2024.
9. An amended certificate of confirmation of grant to issue forthwith.
10. Subject to Section 83 of the [Law of Succession Act](#) on filing of true and accurate accounts, this file is closed.
11. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 25TH DAY OF APRIL, 2024

R. E. ABURILI

JUDGE

