



**In re Estate of the Late Jackson Njoroge Kunina (Deceased) (Succession Cause 533 of 1990) [2024] KEHC 15474 (KLR) (Family) (26 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 15474 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 533 OF 1990  
EKO OGOLA, J  
JUNE 26, 2024  
IN THE MATTER OF THE ESTATE OF THE LATE  
JACKSON NJOROGE KUNINA (DECEASED)**

**IN THE MATTER OF  
JOYCE WANGOI NJOROGE ..... APPLICANT**

**RULING**

1. The Summons for Rectification before the Court is dated 4<sup>th</sup> January 2024. The applicant prays for the rectification of the misdescription of the property known as ‘Embakasi plots’ to ‘Nairobi/Block 136/12522’ and Nairobi/Block 136/12539’. The applicant also prayed for the correction of the misspelling of the beneficiary’s name from ‘Joyce Wangui Njoroge’ to ‘Joyce Wangoi Njoroge’.
2. Rectification of grants is provided for in section 74 of the *Law of Succession Act*, Cap 160, Laws of Kenya and Rule 43(1) of the Probate and Administration Rules. Section 74 provides as follows:  

74. Errors may be rectified by court:  
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.”
3. Rule 43(1) provides as follows:  
“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 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 made.”



4. From the language of section 74 and Rule 43(1) the scope of rectification of grants of representation is limited to errors in names and descriptions of property. From the foregoing, the prayers in the Summons are within the ambit of Section 74 and Rule 43(1) aforementioned. I hereby allow the Summons as prayed. Fresh grant to issue. Costs be in the cause.

Orders accordingly.

**DATED and DELIVERED at NAIROBI this 26<sup>th</sup> day of June 2024**

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**E.K. OGOLA**

**JUDGE**

In the presence of:

Ms. Coren h/b for Wangare for the Applicant

Gisiele Muthoni Court Assistant

