



In re MGM (Mentally Incapable Person) (Miscellaneous Civil Application E208 of 2022) [2023] KEHC 395 (KLR) (30 January 2023) (Ruling)

Neutral citation: [2023] KEHC 395 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
MISCELLANEOUS CIVIL APPLICATION E208 OF 2022
RB NGETICH, J
JANUARY 30, 2023**

**IN THE MATTER OF AN APPLICATION FOR APPOINTMENT OF A
MANAGER OR GUARDIAN TO THE ESTATE OF A PERSON WITH MENTAL
DISORDER OR A PERSON INCAPABLE OF MANAGING HIS AFFAIRS**

AND

**IN THE MATTER OF SECTIONS 26, 27 AND 28 OF THE
MENTAL HEALTH ACT, CAP 248 LAWS OF KENYA**

AND

IN THE MATTER OF MGM (MENTALLY INCAPABLE PERSON)

IN THE MATTER OF

ANG APPLICANT

RULING

1. The applicant herein ANG seeks to be appointed a Manager or Guardian to the estate of her husband MGM.
2. Ground for the application is that the subject MGM has a mental disorder making him incapable of managing his affairs.
3. The applicant wishes to be granted order to operate account No xxxx Family Bank, Limuru Branch. The intention is to get funding to facilitate treatment and care of the subject herein and running of his family.
4. The applicant filed a letter by Assistant Chief Ngaranga Sub-location who confirmed who the children of the subject are and that the applicant is married to him. The letter also confirms that the subject is mentally incapacitated. The applicant also attached marriage certificate confirming that she



married the subject on August 31, 1980. The treatment record attached confirms the subject's mental incapacity.

5. From the foregoing, I find that MGM is a person who is incapable of managing his affairs and that the applicant is suitable person to manage his affairs.
6. Final orders: -
 1. ANG is hereby appointed as Manager or Guardian of the Estate of MGM.
 2. Applicant/ANG to operate MGM's Account No xxxx Family Bank, Limuru Branch.
 3. The applicant to file periodic statements of accounts as required by statute.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 30TH DAY OF JANUARY, 2023.

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RACHEL NGETICH

JUDGE

In the presence of:

Martin/Kinyua – Court Assistants

Applicant – Present

