



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**In re JWM (A Person with Mental Disorder) (Miscellaneous Cause
E055 of 2022) [2023] KEHC 1309 (KLR) (28 February 2023) (Judgment)**

Neutral citation: [2023] KEHC 1309 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CAUSE E055 OF 2022
HK CHEMITEI, J
FEBRUARY 28, 2023**

IN THE MATTER OF: THE MENTAL HEALTH ACT CAP 248 OF THE LAWS OF KENYA

AND

IN THE MATTER OF: JWM (A PERSON WITH MENTAL DISORDER)

AND

**IN THE MATTER OF: AN APPLICATION BY AEM AND EANM TO BE
APPOINTED GURDIANS AND MANAGERS OF THE ESTATE OF THE SAID JWM**

JUDGMENT

1. The Applicants who are sons to the Subject herein JWM filed this Petition under the provisions of the [Mental Health Act](#) Cap 248 Laws of Kenya seeking that they be allowed to manage the Subject affairs.
2. The Supporting Affidavit of AEM shows that their father who is 78 years old is suffering from mental disorder Alzheimer's Dementia.
3. In support of the same he had attached a copy of a Medical Report by Dr Njau J W a consultant psychiatrist dated August 4, 2022.
4. The Application is supported by his other siblings namely EANM and confirm. The only sibling who has not appended her signature is one PM.
5. Taking into totality of the affidavit evidence as presented, it is evident that the petition is meritorious.
6. In the premises, the same is hereby allowed as hereunder:
 1. AEM and EANM are hereby appointed Managers and Guardians of the Subject JWM
 2. The petitioners shall jointly manage and guard the subject in respect to
 - a. Health Care
 - b. Access and operate bank accounts



- c. Execute documents on behalf for the Subject
- d. Settle liabilities, whether Statutory or otherwise on behalf of the Subject.
3. They shall render periodical accounts to this Court, which should be at least bi-annual or such a time that shall be directed by this Court.
4. They shall indemnify the Subject at all times.
5. The matter be mentioned before the Deputy Registrar to confirm progress in the next 90 days from the date herein.

DATED, SIGNED AND DELIVERED AT NAKURU VIA VIDEO LINK ON THIS 28TH DAY OF FEBRUARY, 2023.

H. K. CHEMITEI

JUDGE

