



**In re SWK (Family Originating Summons E002 of 2022)
[2022] KEHC 16612 (KLR) (20 December 2022) (Judgment)**

Neutral citation: [2022] KEHC 16612 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT KIAMBU

FAMILY ORIGINATING SUMMONS E002 OF 2022

RB NGETICH, J

DECEMBER 20, 2022

**IN THE MATTER OF SECTIONS 2, 26, 28(1) AND 28 (2) OF
THE MENTAL HEALTH ACT, CAP 248 LAWS OF KENYA**

AND

IN THE MATTER OF S.W.K (A PERSON SUFFERING FROM A MENTAL DISORDER)

**IN THE MATTER OF AN APPLICATION BY RWK OVER
THE AFFAIRS AND MANAGER OF THE ESTATE OF S.W.K**

IN THE MATTER OF

RWK APPLICANT

JUDGMENT

1. The petitioner filed application dated June 22, 2022 seeking orders of this honorable court to authorize the Deputy Registrar of this court to sign transfer forms in respect to xxxx on behalf of SWK who suffers from a mental disorder.
2. The petitioner is the sister to SWK. That xxxx is registered in the names of the six (6) siblings and having sold the said parcel to MWK they wish to sign the transfer documents but SWK lacks the capacity.
3. The application is supported by affidavit sworn by the petitioner on June 22, 2022. She averred that as a family, they have consented to sell the property to MWK. That the property having been inherited is jointly owned by all siblings and that the sale of the property is to aid SWK in meeting his bills. That SWK is mentally challenged, he lost his identity card long ago and he has no recollection. The application is not opposed.
4. The petitioner has annexed a copy of a letter from the area Chief, consent from the Land Control Board and the transfer document. They seek to have the Deputy Registrar sign the transfer documents on behalf of SWK who co-owns the plot but cannot execute any document. From the annexures, consent



of all siblings have been obtained. From the foregoing, it is in the interest of justice that the application is allowed.

5. Final orders: -

1. The Deputy Registrar is authorized to execute the transfer documents with respect to xxxx to facilitate the transfer of the said property to MWK.
2. The applicant RWK to utilize subject's share of proceedings for the benefit of the subject SWK.
3. The applicant RWK to file periodic statement of accounts in respect to share of the subject SWK as required by law.

JUDGMENT DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 20TH DAY OF DECEMBER, 2022.

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RACHEL NGETICH

JUDGE

In the Presence of :

Martin – Court Assistant

Parties – Absent

