



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

PETITION NO. 17 OF 2020

IN THE MATTER OF PETITION BY

SNM.....1ST PETITIONER

CWM.....2ND PETITIONER

JWK.....3RD PETITIONER

CG.....4TH PETITIONER

AND

IN THE MATTER OF GGSM

AND

IN THE MATTER OF PART XII OF THE MENTAL HEALTH ACT, CAP 248 LAWS OF KENYA

RULING

1. **SNM, CWM** and **CGM** (the petitioners) have petitioned this court, moving under the Mental Health Act and seeking orders: that they be granted power to deal with the properties belonging to GGSM including his businesses and bank accounts; that the care, control and custody of GGSM be committed to the Petitioners; and that the petitioners be allowed to institute suit to protect and distribute the estate of GGSM.

2. The prayers, which are brought under the **Mental Health Act Cap 248**, in the petition are far reaching and cannot be entertained, in my view without this court receiving *viva voce* evidence. This matter was heard virtually when today's date was given for judgment. Having considered the affidavit evidence I formed the opinion that judgment cannot be issued without *viva voce evidence*.

3. In view of the above finding at the reading of this Ruling the parties will be given a date when they shall attend court to give evidence.

Orders accordingly.

SIGNED AND DELIVERED VIRTUALLY THIS 18TH DAY OF MARCH 2021.

MARY KASANGO

JUDGE

18th March 2021

Before Justice Mary Kasango

C/A - Kevin

For Petitioners – Ms Mukonge

COURT

Ruling virtually delivered in their presence.

MARY KASANGO

JUDGE