



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

FAMILY AND PROBATE DIVISION

MISC. APPLICATION NO. E008 OF 2021

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

AND

IN THE MATTER OF HWG (A PERSON SUFFERING FROM A MENTAL DISORDER)

AND

IN THE MATTER OF AN APPLICATION BY JWG AND CWG TO BE APPOINTED AS A GUARDIAN OVER THE AFFAIRS OF THE ESTATE OF JMW

JWG1ST PETITIONER/APPLICANT

CWG2ND PETITIONER/APPLICANT

JUDGMENT

1. By an application dated 22.3.21 brought the Applicants, JWG and CWG pray for orders of court that:
 - a. The application be certified urgent.
 - b. An Order that the Applicants be appointed the joint guardians and Managers of HWG.**
 - c. An Order that the Applicants be appointed the Managers of the estate of HWG**
 - d. There be no orders as to costs.
2. The application is premised on grounds that the HWG (hereinafter the Subject,) is suffering from Alzheimers disease, a mental disorder.
3. In his supporting affidavit sworn on even date, JWG avers that HWG (hereinafter the Subject,) is aged 73 years, a widow to the late MNG and is survived by the following children:
 - i. JWG –Co-Applicant herein
 - ii. AMG
 - iii. AKG, and
 - iv. CWG –Co-Applicant herein

The Subject was appointed the sole legal representative of her late husband 's estate vide vide Grant of Letters of Administration Intestate issued in her favour on 26th July, 2019 and confirmed on 19th January, 2019. That sometimes in the year 2020 the Subject was diagnosed with Alzheimers disease, a mental disorder.

4. The Applicant attached a medical report dated 23rd September, 2020 by Dr. Dilraj Singh Sokhi of Aga Khan University Hospital, Nairobi in which the Dr. concluded that the Subject does not have the full cognitive and mental capacity to make her own decisions. He advised that the family do start a process of officially taking over some roles from the Subject. He also attached consents signed by AKG and AMG, their siblings consenting to the application.

5. The Applicants averred further the Subject is unable to take care of herself and her personal affairs and the affairs of the deceased's estate. That there is need for a guardian and Manager to manage her daily care and medical/health needs and assets and liabilities. That there is a suit pending in ELC No. 100 of 2014 MNG & 2 others vs St. Elizabeth Karen Limited where the Subject is the sole legal representative.

6. He prays that the orders be granted.

DATED, SIGNED AND DELIVERED IN NAIROBI THIS 30TH DAY OF JULY, 2021

M. THANDE

JUDGE

In the presence of: -

..... **for the Applicant**

..... **Court Assistant**