



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
MISC APPLICATION CAUSE NO.586 OF 2012
IN THE MATTER OF AN APPLICATION FOR GUARDIANSHIP OF E W M
RULING

The ex-parte application brought before this court is dated 28th October 2016. The applicants, E W M, E W M and J W N, being the legally appointed guardians of E W M, sought the following orders;

1. That the guardians be authorized to manage the assets of the ward by investing the assets for the benefit of the ward and of the estate.
2. That the guardians be authorized to purchase assets utilizing the funds of the ward for the benefit of the ward and of the estate.
3. That the Guardians be granted access to the safe custody accounts of the ward held at relevant banks for purposes of ascertaining collecting and managing the assets of the ward.
4. That the Guardians be authorized to receive information pertaining to the ward's CDSC account Number [particulars withheld] held at Central Bank of Kenya.
5. That the Guardians be authorized to transfer funds held at Standard Chartered Bank to other banks.
6. That this Honourable court be pleased to make any other or further orders.
7. That the costs of this application be in the cause

A ruling was delivered on the current application on 13th April 2017. The said ruling required that the guardians were to furnish the court with annual records of their dealings of the wards estate so as to enable this court make a precise decision with regard to the prayers sought.

The guardians in an attempt to comply with orders of this court have filed a list of the wards assets dated 2nd May 2017. The guardians are still to comply fully with section 33 of the Mental Health Act which states,

- 1) Every person appointed by the court to be manager of the estate of a person under this Part shall, within six months of the date of his appointment, deliver to the court and to the Public Trustee (to whom he shall pay such fee as may be prescribed) an inventory of the property belonging to the person of whose estate he has been appointed manager and all such sums of***

money, goods and effects as he receives on account of the estate, together with a statement of all debts owed by or due to such person, and every such manager shall furnish to the court and to the Public Trustee (to whom he shall pay such fee as may be prescribed) annually, within three months of the 31st December, an account of the property in his charge showing the sums received and disbursed on account of the estate during the year and the balance; such inventory, statement and account shall be in the prescribed form.

The guardians have thus complied with the first part of the section. They are yet to furnish accounts pertaining to any such money received on behalf of the estate. The guardians are thus required to comply with the orders of this court. This matter will be mentioned on 3rd August 2017 to confirm compliance of the said orders. No cost as to orders. It is so ordered.

Dated, signed and delivered this 30th day of **June** 2017.

R. OUGO

JUDGE

In the presence of:

Miss Aaisha. Namwari holding brief Miss Muigai For the Applicants

Charity Court Clerk