



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**

**CIVIL CASE NO. 10 OF 2016 (O.S)**

**IN THE MATTER OF P J M.....(MINOR)**

**VERSUS**

**G G R.....APPLICANT**

**RULING**

1. The applicant filed this application under certificate of urgency seeking an order of this court to be appointed as a guardian of P J M for the purposes of taking out a medical insurance cover and for assuming parental responsibility. He has filed his application by way of an originating summons, which is brought under sections 105 (a), 112 of the Children's Act and under Rule 3 of the Guardianship of the Children Practice and Procedure Rules.

2. The application is anchored in the supporting affidavit of the applicant. The applicant has deponed that he is the son of the deceased C R N. He has further deponed that P J M is his younger brother, who is a minor in class four at *particulars withheld* town. He has also deponed that P J M has been in his custody, care and maintenance since the death of their mother on 25<sup>th</sup> October 2006.

3. The applicant has annexed to his affidavit a letter from the Administration Chief which has confirmed that the applicant is the elder brother of P J M and is desirous of being appointed as his a guardian.

4. I have considered the unopposed affidavit evidence of the applicant. I find that he is the elder brother of P J M. I further find that he is an engineer by profession. I also find that he is desirous of being appointed a guardian of P J M for purposes of taking out a medical insurance cover and for assuming parental responsibilities in respect of P J M, who is a minor aged ten years.

5. In the circumstances, I find that he is a fit and proper person to be appointed as a guardian of P J M. He is hereby appointed as a guardian for the purposes of taking out a medical insurance cover and for assuming parental responsibilities.

6. I therefore allow the application in terms of prayer 2 of the originating summons.

**RULING DELIVERED, DATED and SIGNED** in open court at **EMBU** this **26<sup>th</sup>** day of **OCTOBER 2016**.

In the presence of Mr Andande holding brief for Ms Muthoni for the applicant

Court clerk Njue

**J.M. BWONWONGA**

**JUDGE**

**26.10.16**