

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MISCELLANEOUS APPLICATION NO. 5 OF 2015

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

AND IN THE MATTER OF K W

S W.....PETITIONER

RULING

1. The application herein is brought by the brother of K W seeking to be appointed as the manager of his estate with powers to operate his bank account in I & M 2nd Ngong Avenue A/C No. **[particulars withheld]** and sign all necessary documents including cheques, withdrawal slips, loan or advance application forms, bankers cheques, money transfer forms, or any other relevant documents to facilitate payment of debts owed to:- Jorgs Ark Rehabilitation Center or any other hospital that K W may be admitted or is under treatment and to pay all debts incurred for his medical treatment and care.
2. That the said K W is currently admitted at **[particulars withheld]** Rehabilitation center and has been diagnosed with advanced Schizophrenia and undergoing psychiatric treatment and counseling therapy and as such is incapable of managing his affairs specifically to access his bank accounts or sign cheques to enable him pay the hospital bills which are recurrent and cumulative.
3. In his affidavit in support of the said application he depones that on 13th October 2013 suffering from acute diagnosed schizophrenia and has been undergoing psychiatric treatment in M.P. Shah Hospital and is incapable of managing himself or his affairs. He states that he has been taking care of the patient's treatment, drugs and other needs to the tune of Kshs. 641,666/- per month in support of which he annexed receipts evidencing the said payments. That his wife abandoned him and ejected him out of the matrimonial home a fact well documented in Divorce Cause No.185 of 2011 whose decision is yet to be decided.
4. The said application is not opposed.
5. The applicant has annexed a letter dated 19th November 2014 from **[particulars withheld]** Center stating that the said K W was admitted on 2nd October 2013. At the time of admission he was challenged by alcohol dependency and was later diagnosed with Schizophrenia and was put on medication and is not yet stable mentally, emotionally and socially to focus on his normal life and engage in any challenges that accompany life. There also receipts from Jorgs Ark Center for payments paid to the said institution and a statement of account showing that the bill stands at Kshs. 742,000/-.
6. In view of the foregoing, I find that the application is merited and in the interest of justice and fairness, this court accordingly orders that S W be appointed Manager of **K W** for purposes of managing and operating his bank account in **I & M 2nd Ngong Avenue A/C No. [particulars withheld]** and to sign all necessary documents including cheques, withdrawal slips, bankers cheques, money transfer forms, or any other relevant documents to facilitate payment of an order to facilitate payment of debts owed to:- **[particulars withheld]** Rehabilitation Center or any other hospital that K W may be admitted and to pay all debts incurred for his medical treatment and care. I note there are divorce proceedings pending determination in Divorce Cause No.185 of 2011 as such I order that the applicant shall present to the Deputy Registrar of the Court quarterly

reports on the health status and account status of the said bank account **I & M 2nd Ngong Avenue A/C No. [particulars withheld]** of **K W** until further orders of this court. Such report shall be filed every quarter from the date of this ruling. It is so ordered.

Dated, signed and delivered this **13th** day of **February** 2015.

R. E. OUGO

JUDGE

In the presence of:

.....**For the Petitioner**

Mr. Makori

Court Clerk