

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

MISCELLANEOUS CIVIL APPLICATION NO. 3 OF 2015

LUCIA NJERI MWANGI.....APPLICANT

-VERSUS-

JOYCE WANGUI MBUGUA.....RESPONDENT

RULING

1. The Applicant in the Notice of Motion filed on 11th February 2015 is the adult daughter of the subject, Joyce Wangui Mbugua. Although the Applicant does not cite the Mental Health Act, her application falls under the purview of the said Act. It seeks that the Applicant be appointed as a manager or custodian of the estate of the subject who suffers from a mental illness.
2. I have perused the grounds on the face of the application and the affidavits sworn by the Applicant. I have also considered the medical reports on the subject, and particularly one dated 26th March 2015 as prepared by Dr. Njau J. W. a Consultant Psychiatrist at the Rift Valley Provincial General Hospital. The subject is suffering from dementia and is unable to take care of herself due to failing cognitive functions.
3. In the circumstances I am satisfied that this is a proper case for invoking the provisions of Section 26 and 27 of the Mental Health Act.
4. The court therefore appoints the Applicant as a guardian of the subject and as a manager to the subject's property namely **GILGIL/KARUNGA BLOCK 2/147 (CHOKERERIA), GILGIL/KARUNGA BLOCK 2/294 (CHOKERERIA) and GILGIL/KARUNGA BLOCK 2/370 (CHOKERERIA).**
5. The power of the manager is confined to the administration of the estate by way of making investments or developments but does not include the sale or other disposition of the property.
6. The court may periodically require the manager to file accounts with the court. Leave is granted for making of further applications for connected purposes.

Delivered and signed at Naivasha this 19th day of May, 2015.

In the presence of:

The Applicant in Person

Court Assistant Stephen

C. W. MEOLI

JUDGE