



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**

**MISC. APPLICATION NO.34 OF 2011 (formerly Misc. CIVIL APPLCIAITON NO. 562 OF 2010)**

**M W W.....1<sup>ST</sup> APPLICANT**

**G W W.....2<sup>ND</sup> APPLICANT**

**I T W.....3<sup>RD</sup> APPLICANT**

**RULING**

1. By a Chamber Summons dated 3<sup>rd</sup> June 2014 brought under **Section 77, 28, 29, 32 and 33** of the **Mental Health Act section 1B** and **3A** of the **Civil Procedure Rules** by the three Applicants, they sought orders of court that:

- a. The applicants jointly or either of them, be allowed to collect the title number *[particulars withheld]* – Nairobi from CFC Stanbic Bank;
- b. They be allowed to dispose off the following assets:
  - i. Motor vehicle Registration Number *[particulars withheld]*
  - ii. L.R. No. *[particulars withheld]* – Nairobi
  - iii. Mavoko Town Block *[particulars withheld]*
  - iv. Athi River L.R. No. *[Particulars withheld]* registered as L.R. No. *[particulars withheld]*
  - v. Nyandarua/Nyandarua Kianjogu Block Mavoko *[particulars withheld]* Town Block *[particulars withheld]*
  - vi. Mahiga/Munyange -*[Particulars withheld]* Her share measuring 0.38ha.

2. In a “further affidavit” sworn on 13<sup>th</sup> October 2014 the deponent M W W, depones that the assessment of the assets comprised of the estate in issue has been estimated as follows:

- a. Motor vehicle Registration Number *[particulars withheld]* - Kshs.600,000/=
- b. L.R. No. *[particulars withheld]* – Nairobi - 70,000,000/=
- c. Mavoko Town Block *[particulars withheld]* - 5,000,000/=

d. Athi River L.R. No. *[particulars withheld]* registered as L.R. No. *[particulars withheld]* – 1,000,000/=

e. Nyandarua/Nyandarua Kianjogu Block *[particulars withheld]* 1,000,000/=

f. Mavoko Town Block *[particulars withheld]* – 300,000/=

g. Mahiga/Munyange *[particulars withheld]*- Her share measuring 0.38ha.- 200,000/=

h. Nyandarua/Ndaragwa Kianjogu Block *[particulars withheld]* - 500,000/=

i. Nyandarua/Ndaragwa Kianjogu Block *[particulars withheld]*- 100,000/=

j. Ewaso Nyiro/Suguroi Block *[particulars withheld]* - 100,000/-

**Total - Kshs.78,800,000/=**

3. The deponent has also set out how the amount raised from the sale of the assets stated above shall be invested as herein below:

i. Purchase of furnished apartment - **3x20,000,000/- = 60,000,000/=**

ii. Bungalow to be converted and personalized easy access use and convenient - **Kshs.20,000,000/=**

iii. Fixed deposit and treasury bills - **Kshs.20,000,000/=**

She also avers that any balance available will be kept in a savings account to cover payment of various groceries, utility bills, medical expenses among other short term expenditure.

4. This application is uncontroverted. In the circumstances I allow the application and make orders in terms of prayer No. 2 and 3 of the application respectively. The Applicants shall after the intended sale of the assets set out in paragraph 3 of the Chamber Summons, whose estimated value is as set out in the further affidavit sworn by M W W, file within six months, statements showing the actual proceeds realised from the sales and the manner in which the said proceeds have been or are being applied for the welfare of Dr. A W W.

**SIGNED DATED and DELIVERED** in open court this 27<sup>th</sup> day of **October 2014**.

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**L. A. ACHODE**

**JUDGE**