



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CIVIL MISCELLANEOUS APPLICATION NO. 9 OF 2014

IN THE MATTER OF THE MENTAL HEALTH ACT (CAP 248 LAWS OF KENYA)

AND

IN THE MATTER OF THE ESTATE OF AMK

AND

MMK.....1ST APPLICANT

AMM2ND APPLICANT

RULING

1. In their humble petition, **MMK** and **AMM**, a wife and son to **AKM** respectively, seek this court's order declaring him to be suffering from mental disorder as defined under the **Mental Health Act (Cap 248)** of the Laws of Kenya. As a consequence to be appointed as the managers of his estate and his guardians.

2. The said **AKM** is a father to **ten (10)** children namely:

- a. FKM
- b. AMM
- c. AMM
- d. AKM
- e. AMM
- f. AKM
- g. AMM
- h. AWM
- i. AMM
- j. AKM

3. **M** suffers from Senile Dementia which has affected his state of mind such that he is incapable of taking care of his estate which requires representation.

4. In an affidavit in support of the application the applicants state that **M** was diagnosed with Senile Dementia that has rendered him incapable of managing his affairs which calls for a guardian to take care of his estate and to represent him in **Civil Suit No. 262 of 2012** where ownership of his estate is challenged.

5. Annexure “**MKK-AMK3**” is a consent signed by all family members of **AM** who have no objection to the applicants being granted the orders sought.

6. According to the medical report made by **Dr. Donald Kokonya, Mwangangi** suffers from Senile Dementia. He is aged 72 years. As a consequence he is not capable of following court proceedings due to diminished responsibility.

7. It is not in dispute that the subject of this application lacks mental stability to take care of his assets and since there is no dispute as to who should be appointed to manage the same, I make orders as follows:

- i. I do appoint **MMK** and **AMM** as guardians of **AMK**.
- ii. The two (2) applicants will be in charge of management of his estate until further orders of this court.

8. It is so ordered.

DATED, SIGNED and DELIVERED at MACHAKOS this 18TH day of NOVEMBER, 2014.

L.N. MUTENDE

JUDGE