



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Miscellaneous Application 586 of 2012

IN THE MATTER OF AN APPLICATION FOR GUARDIANSHIP OF EWM

ORIGINATING SUMMONS OF AN APPLICATION FOR GUARDIANSHIP ORDER

PETITION

1. EWM

2. EWM

3.

JWN.....PETITIONERS/APPLICANTS

RULING

By an ex parte petition dated 2nd July, 2012 and filed under **Section 26(1) (b)** of the **Mental Health Act, Cap 248 Laws of Kenya, Section 1A, 1B, 3 and 3A** of the **Civil Procedure Act, 2010**, the Petitioners/ Applicants are seeking the following orders;

1. That EWM ID No. (Particulars withheld), EWM ID No. (Particulars withheld), and JWN of ID No. (Particulars withheld), all of Post Office Box (Particulars withheld), Nairobi be and are hereby appointed as Guardians of Eliud Wanjohi Maina.

2. That the said Guardians be authorized to manage all the properties, assets, bank accounts and motor vehicles of EWM by collecting, maintaining and doing all that appertaining the preservation of the same.

3. That the costs of this application be provided for.

The petition is supported by the statement of EWM EWM and JWN. They aver that they wish to be appointed as guardians of EWM who is seventy four 74 years old and their biological father. That he suffers from Senile dementia as indicated in the psychiatrists report. They are adults of sound mind the 1st and 2nd applicants being son and daughter of EWM and the 3rd applicant is close family friend of EWM. That the 1st and 2nd applicants are currently managing their father's business but have not been able to effectively manage the entire estate without an order. That EWM has been mentally examined and his psychiatrist has established that he is mentally incapable of managing his vast estate. They therefore seek the orders to allow them to manage the estate.

I have considered the petition and statement. The applicants have attached a medical report by Dr. Margaret Mak'Anyengo who states that EW is 77 years and has been under her care since 23/3/09 when he was presented to her in the company of his grandchildren with symptoms of dementia. On examining

him she found him to be restless, confused, wandering around, talking to himself and disoriented. Her findings are that he is suffering from senile dementia she recommends that he is not in a position to administer and manage his estate and he will require long term psychiatrist care.

It is evident that EWM is incapable in managing his estate. The petition has merit and I therefore grant prayers 1 and 2 of the petition dated 2nd July 2012. No orders as to costs.

Orders accordingly.

Dated, signed and delivered this 18th day of April 2013.

R. OUGO

JUDGE

In the presence of:

.....Petitioners/Applicant
.....Court Clerk.

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