



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KITALE
MISCELLANEOUS CASE 84 OF 2009

IN THE MATTER OF E.O ALLEGED TO BE AILING AND OF UNSOUND MIND.

AND

B.N.O.....PETITIONER.

R U L I N G.

By a petition dated 1st December, 2009, the petitioner **B.N O** seeks orders that she be appointed as GUARDIAN of the said E.O's person and/or managing his property.

The ground on which the petition is based is that E. O is a person of unsound mind within the meaning of the Mental Health Act. In addition thereto, he is an old man of 70 years and suffers from hypertension, and diabetes inter-alia. Due to his medical condition he is unable to walk or talk properly.

The application is supported by the annexed affidavit of the petitioner, B.N.O sworn on the 1st day of December, 2009.

On the available evidence, on record, the petitioner is the sole wife of the said E.O (See exhibit "BNO 1"). She is an adult and housewife. The petitioner seeks orders to manage land title number BUNGOMA/TONGAREN/400 on behalf of the said E. O. In support of her application she has annexed medical certificate exhibit "BNO.1" which is evidence that E.O is indeed a sick man.

I have fully considered the evidence on record. Having done, I am of the opinion that the application is merited. Accordingly, I order that petitioner herein B.N.O be and is hereby appointed GUARDIAN of the said **E.O** and shall be charged with the management of his person and property, namely **BUNGOMA/TONGAREN/400**. The petitioner is under a duty to account for the proceeds of the farm by operating a proper accounting system to be verified by the court, when and if called upon so to do, or if challenged by any interested party.

Dated and delivered at Kitale this 2nd day of February 2010.

N.R.O. OMBIJA.
JUDGE.