

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Miscellaneous Petition 3 of 2010

IN THE MATTER OF EDITH WAMBUI

SERAH WAIRIMU KINGONDU.....PETITIONER

RULING

SERAH WAIRIMU KINGONDU and DOUGLAS GAKUO WAITHAKA daughter and son respectively of EDITH WAMBUI (the patient) seek under Sections 26 (1) & (3), and 28 of the Mental Health Act (Cap 248) Laws of Kenya as well as Sections 1A and 3A of the Civil Procedure Act to be appointed guardians/managers of the patient's properties. Margaret Wangui Adegó, Doris Wanjiru Waithaka, Lucy Njoki Waithaka and Kennedy Njoroge Waithaka the other children of the patient appeared before me on 5/7/2010 during the hearing of this application and confirmed to me that they have no objection to this application.

Having considered the matter and in particulars Dr.Njau's medical report, I am satisfied that the patient is suffering from a medical disorder known as dementia, a condition that has rendered her incapable of making informed decisions. In the circumstances, in her own interest and for the preservation of her estate I allow this application and order that SERAH WAIRIMU KINGONDU and DOUGLAS GAKUO WAITHAKA (the Managers) are hereby appointed guardians of the patient and managers of her estate with no power or authority to dispose of any immovable property of the patient. Liberty to apply is granted.

The managers shall be paid a reasonable stipend from the patient's estate.

DATED and DELIVERED this 7th day of July, 2010.

D. K. MARAGA
JUDGE.