



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (MILIMANI LAW COURTS)**  
**ELECTION PETITION 400 OF 2009**

**IN THE MATTER OF THE MENTAL HEALTH ACT,  
CAP 248 OF THE LAWS OF KENYA**

**AND**

**IN THE MATTER OF JAMES KARIMI GIKINGO**

**AND**

**IN THE MATTER OF A PETITION BY**

**WINFRED NJERI MWAI .....PETITIONER**

**R U L I N G**

Upon inquiry that I conducted yesterday, 4<sup>th</sup> June 2009, I find that **JAMES KARIMI GIKINGO**, the Petitioner's husband herein to whom this inquiry relates, is suffering from mental disorder to such an extent as to be incapable of managing his affairs. I further find that he is capable of managing himself, and is not dangerous to himself or to others, nor likely to act in a manner offensive to public decency.

In the circumstances, I will make the following orders for the management of the estate of the said **JAMES KARIMI GIKINGO** for proper provision for his own maintenance and for the maintenance of his wife (the Petitioner) and his two youngest children who are still dependent on him.

1. The Petitioner, **WINFRED NJERI MWAI**, is hereby appointed the guardian of her husband, **JAMES KARIMI GIKINGO**.
2. As such guardian the Petitioner is hereby authorised to have full access, whether directly from his employer or through any bank account, to the salary and any other income of **JAMES KARIMI GIKINGO**.
3. The Petitioner is otherwise authorised to manage the estate of **JAMES KARIMI GIKINGO** until he is capable of managing his own affairs or the further order of the court.

**DATED AT NAIROBI THIS 4<sup>TH</sup> DAY OF JUNE, 2009**

**H. P. G. WAWERU**

**J U D G E**

**DELIVERED THIS 5<sup>TH</sup> DAY OF JUNE, 2009**