



**In re TSA (Minor) (Miscellaneous Application 227 of 2023)  
[2025] KEHC 2600 (KLR) (11 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2600 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT HOMA BAY  
MISCELLANEOUS APPLICATION 227 OF 2023**

**OA SEWE, J**

**MARCH 11, 2025**

**IN THE MATTER OF SECTION 122, 123 & 125 OF THE CHILDREN’S ACT OF 2022**

**AND**

**IN THE MATTER OF APPLICATION FOR GUARDIANSHIP OF TSA (MINOR)**

**BETWEEN**

**COO ..... APPLICANT**

**AND**

**SOO ..... 1<sup>ST</sup> RESPONDENT**

**BAT ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. By the chamber summons dated 7<sup>th</sup> May 2024, the applicant, Calvins Okelo Osodo seeks that the court be pleased to appoint him as the Guardian of the minor, TSA. The applicant is premised on the ground that he is the minor’s maternal uncle and that the minor is now an orphan after her mother died in a road traffic accident on 13<sup>th</sup> May 2020, leaving behind the minor and her elder sister BAT (2<sup>nd</sup> respondent) as well as their step-father, SAO (the 1<sup>st</sup> respondent).
2. The applicant averred that the minor has been under the actual custody of her aunt who has been providing her with such basic needs as food, clothing and shelter. He further stated that since the minor’s step-father had already accessed and misused benefits received from the road accident compensation of Kshs 700,000 and Kshs 10,000/- from the Migori County Civil Servants Union, the minor’s elder sister, Brinner wrote to the PS, State Department of Interior seeking that any remaining benefits be entrusted with the Public Trustee. Thus, a sum of Kshs 957,892.80 was sent to the Public Trustee to manage.



3. The minor is now in Form 1 at Dudi Girls Secondary School and whereas the applicant and other members of his family have been paying fees for her, it has become strenuous. He therefore approached the Public Trustee with a view of accessing the sums due to the minor and was required to demonstrate his status as guardian hence the instant application.
4. The application was served on the respondents. It is unopposed. The applicant annexed the following documents to support his application.
  - a. Certificate of Death IEAO.
  - b. Certificate of Birth I the minor TSA
  - c. 2 letters dated 1<sup>st</sup> December, 2021 and 8<sup>th</sup> April 2022 from the 2<sup>nd</sup> respondent tot het PS Department of Interior.
5. Having given the matter careful consideration, I am satisfied that it is meritorious. The application dated 7<sup>th</sup> May 2024 is hereby allowed and orders granted as follows.
  - a. The applicant be and is hereby appointed as the guardian of the minor, TSA.
  - b. Parties to bear own costs.

**DATED, SIGNED, AND DELIVERED VIRTUALLY THIS 11<sup>TH</sup> DAY OF MARCH 2025.**

**O.A. SEWE,**

**JUDGE**

**HOMABAY HIGH COURT**

