



**In re TSA (Minor) (Miscellaneous Application E007 of 2024)
[2025] KEHC 3627 (KLR) (11 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3627 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT HOMA BAY
MISCELLANEOUS APPLICATION E007 OF 2024**

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 TSO (MINOR)

BETWEEN

COO APPLICANT

AND

SOO 1ST RESPONDENT

BAT 2ND RESPONDENT

RULING

1. By the chamber summons dated 7th May 2024, the applicant, COO 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 13th May 2020, leaving behind the minor and her elder sister BAT (2nd respondent) as well as their step-father, SAO (the 1st 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 [Particulars Withheld] 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 IRO EAO.
 - b. Certificate of Birth IRO the minor TSA
 - c. 2 letters dated 1st December, 2021 and 8th April 2022 from the

2nd respondent tot het PS Department of Interior.

5. Having given the matter careful consideration, I am satisfied that it is meritorious. The application dated 7th 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 11TH DAY OF MARCH 2025.

O.A. SEWE,

JUDGE

HOMABAY HIGH COURT

