



**HSM v MSM (Family Miscellaneous Application E240 of 2024)
[2025] KEHC 4519 (KLR) (Family) (8 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4519 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
FAMILY MISCELLANEOUS APPLICATION E240 OF 2024
HK CHEMITEI, J
APRIL 8, 2025**

BETWEEN

HSM PETITIONER

AND

MSM SUBJECT

RULING

1. In her petition dated 18th October 2024 the petitioner seeks orders that:-
 - (a) A declaration that MSM be and is hereby adjudged to be a person suffering from mental disorder under section 26 of the *Mental Health Act* Cap 248.
 - (b) This court be pleased to appoint HSM guardian and manager of Mr. MSM in accordance with the *mental Health Act* Cap 248 with powers to sign, access, withdraw, execute and or carry out any act incidental to the affairs of the subject.
 - (c) Costs be provided.
2. The petition is based on the affidavits of the Applicant and one ZMI sworn on the same dates.
3. The petitioner is the sister to the subject whereas Z is the mother who has consented to the petitioner being appointed the subject guardian.
4. The court has perused the said affidavits as well as the medical reports on record in particular that of Holland Bloorview Kids Rehabilitation Hospital dated 20th February 2014 which appears comprehensive. The report shows that the subject suffered some injury during birth, “perinatal hypoxic ischemic injury.”



5. In view of the said report and the relationship between the petitioner and the subject the court finds the petition meritorious and it is hereby allowed as prayed.

Costs in the cause.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 8TH DAY OF APRIL, 2025.

H K CHEMITEI

JUDGE

