



REPUBLIC OF KENYA



In re Estate of JLB (Subject) (Miscellaneous Case E073 of 2020 & E150 of 2022 (Consolidated)) [2025] KEHC 8258 (KLR) (Family) (22 May 2025) (Ruling)

Neutral citation: [2025] KEHC 8258 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
MISCELLANEOUS CASE E073 OF 2020 & E150 OF 2022 (CONSOLIDATED)**

CJ KENDAGOR, J

MAY 22, 2025

IN THE MATTER OF

SRR APPLICANT

RULING

1. The Applicant, S.R.R., was appointed as guardian to manage the estate of J.L.B., who is suffering from a mental illness, via an order of the Court made on 12th February, 2021.
2. The Applicant lodged an application dated 9th October, 2024, which was determined via a Ruling delivered on 27th February 2025. The Court made the following orders;
 - i. The Applicant was allowed to convert land titles under the legal requirements on behalf of the subject as prayed;
 - ii. The Applicant was authorized to transfer prescribed funds from the subject's bank account to the siblings' accounts [particulars withheld];
 - iii. The Applicant was directed to make a separate application regarding the prayer for sale of the subject's property.
3. She presented the present application dated 19th March, 2025 seeking the following orders;
 - i. Spent
 - ii. That the Applicant be authorized to sell the following immovable property on behalf of the subject by way of investment of the subject's funds namely;
 - a. Nairobi/Block 19/189/12(Apartment No.C-3-1; Staroot Residency) for not less than Ksh.11,500,000.00/=.



- b. Nairobi/Block 19/189/20(Apartment No.C-5-1; Staroot Residency) for not less than Ksh.11,500,000.00/=.
 - c. Nairobi/Block 19/189/28 (Apartment No. C-7-1; Staroot Residency) for not less than Ksh.11,500,000.00/=.
 - d. Nairobi/Block 23/342/25 (Apartment No. A-7.1; Grey Pearl Apartments) for not less than Ksh.18,000,000.00/=.
4. In the ruling delivered on 27th February, 2025, the Hon. Judge who heard the application dated 9th October, 2024 declined to grant the orders of sale as the valuation reports had not been filed.
 5. The Applicant has submitted a set of property valuation reports along with the current application. These reports outline the estimated market values of each property and are the most recent analyses. Additionally, the Applicant has annexed offers from potential buyers that align with the indicated market values, further corroborating the assessments provided. This supports the Applicant's claims about the properties' value and is essential in considering the application of Section 28 (1) of the [Mental Health Act](#).
 6. The records indicate that the subject's siblings were previously interviewed, and during those proceedings, no concerns were expressed regarding the Applicant's ongoing suitability to serve as guardian for the subject. This suggests a consensus among the siblings that they fully support the Applicant's continued role in overseeing the subject's estate and that the Applicant acts in the best interests of the estate of J.L.B., who is suffering from mental illness.
 7. Additionally, no evidence suggests that the subject's health status has improved. Given this context, it is ultimately in her best interest for the Applicant to remain as her guardian.
 8. The Applicant has indicated that once the sale is permitted, she will invest the funds for the benefit of the estate. The documents in the file concerning prior pleadings indicate that the Applicant has actively sought investment opportunities to benefit the estate in question. However, there is a noticeable absence of detailed accounts that would clarify the current status of the estate's administration and its overall condition.
 9. In light of the foregoing, I allow the application dated 19th March, 2025 in the following terms;
 - i. The Applicant is authorized to sell the immovable properties mentioned in prayer 2 of the application; the selling price shall not be less than the value stated in the valuation reports.
 - ii. Upon conclusion of each sale, the proceeds shall be deposited into the Subject's bank account within 30 days of the sale and may be applied to such investments for the benefit of the estate.
 - iii. The Applicant is directed to file accounts regarding the estate's administration within 180 days. These accounts should include the items listed below and any other relevant information regarding the administration of the estate; -
 - a. Report on the authorized sale above;
 - b. Report on the immovable property owned by the estate;
 - c. The status of the subject's bank accounts;
 - d. The nature and status of the investments made.
 - iv. Costs of this application shall be in the cause.



v. Mention on 24th November 2025 to confirm filing.

It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS
ONLINE PLATFORM ON THIS 22ND DAY OF MAY, 2025.**

C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

