



**In re WGC (Subject) (Family Miscellaneous Application E065 of 2024) [2025] KEHC 9205 (KLR) (21 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 9205 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
FAMILY MISCELLANEOUS APPLICATION E065 OF 2024  
DO CHEPKWONY, J  
MAY 21, 2025  
IN THE MATTER OF WGC (THE SUBJECT)**

**IN THE MATTER OF**

**LNK ..... 1<sup>ST</sup> PETITIONER  
ZWG ..... 2<sup>ND</sup> PETITIONER  
KKG ..... 3<sup>RD</sup> PETITIONER  
SCG ..... 4<sup>TH</sup> PETITIONER**

**RULING**

1. What is before the court for determination is the Petition dated 6<sup>th</sup> December, 2024 which seeks the following orders:
  - a. That the subject WGC be declared as a person suffering from mental disorder resulting from a stroke pursuant to the [Mental Health Act](#), Cap 248 Laws of Kenya.
  - b. That the Honourable Court be pleased to appoint the Petitioners as guardians of WGC and to grant them custody, care and management of the subject.
  - c. That this Honourable Court pleased to appoint the Petitioners as Managers of the Subject and to allow them to prosecute any suit in place of the Subject, operate any of his bank accounts, sell, dispose, lease, transfer, assign, mortgage, and or lease or offer as security or lien motor vehicles or properties which are in the subject’s names.
2. The 1<sup>st</sup> Petitioners and the other Petitioners are the wife and children of the Subject herein who suffers from dementia with comorbid hypertension characterised by poor memory on immediate and recent events as indicated in the Medical Report attached.



3. The court directed all the parties to appear in court for hearing of the Petition. On 20<sup>th</sup> May, 2025 the Petitioner's Counsel indicated that they could not access the Subject to appear before court since he was under the care of the caregiver and he sought for court's intervention to direct the Chief to ensure the care giver brings the Subject to court. While the matter was proceeding one Mr. Mityambo informed the court that the subject had two wives and that the Petitioner had not notified the 2<sup>nd</sup> wife JG of the present Petition and was only informed on 19<sup>th</sup> May, 2025 when the village elder informed her of the filing of the Petition. He sought for time for the necessary documents to be filed in response to the Petition after she has been served with the documents. It was further stated that the second wife has stayed with the subject for 30 years and has been surprised that the Petitioners who have been separated from the subject have filed the Petition in silent.
4. In line with the arguments raised in court on 20<sup>th</sup> May, 2025, this Court hereby issues the following orders:-
  - a. The Petitioners to serve JG with the Petition herein within thirty (30) days from the date hereof.
  - b. The said JG is granted leave of seven (7) days to file and serve her response to the Petition.
  - c. All the parties including the subject himself to attend court on 10<sup>th</sup> June, 2025 for further directions and hearing before the court can issue any further orders.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 21<sup>ST</sup> DAY OF MAY, 2025.**

**D. O. CHEPKWONY**

**JUDGE**

