



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of JMM (Miscellaneous Application E003 of 2025)  
[2025] KEHC 8400 (KLR) (16 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8400 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
MISCELLANEOUS APPLICATION E003 OF 2025**

**DO CHEPKWONY, J**

**JUNE 16, 2025**

**IN THE MATTER OF: JMM**

**-AND-**

**IN THE MATTER OF: MENTAL HEALTH ACT, CAP. 248 OF THE LAWS OF KENYA.**

**-AND-**

**IN THE MATTER OF: THE RIGHTS OF OLDER MEMBERS  
OF SOCIETY UNDER ARTICLE 57 OF THE CONSTITUTION**

**-AND-**

**IN THE MATTER OF: AN APPLICATION BY DWM TO  
BE APPOINTED AS GUARDIAN OVER THE AFFAIRS OF  
THE ESTATE OF JMM**

**IN THE MATTER OF**

**DWM ..... PETITIONER**

**RULING**

1. In a Judgment delivered 23<sup>rd</sup> May, 2025, in respect of a Petition dated 29<sup>th</sup> January, 2025, the court made the following orders:-
  - a. The subject/patient be availed physically before this Court to enable it ascertain whether or not he is capable of making rational decisions before the orders sought in the Petition can be granted.
2. On 28<sup>th</sup> May, 2025 the subject was brought in physical court as directed and indeed the court noted that he was unable to stand without assistance and thus it was hard to place him on the stand for examination/interrogation. The court also observed that the subject appeared frail and oblivious of his surroundings.



3. The court is thus satisfied with the findings and recommendations in the medical report in respect of the subject coupled with the observation following his physical appearance in court that the subject is incapable of managing his own affairs or making any rational decisions.
4. For those reasons, the court proceeds to allow the Petition dated 29<sup>th</sup> January, 2025 and grant the following orders:-
  - a. That the Subject, Mr. JMM be and is hereby declared to be a person suffering from a mental disorder as defined under the *Mental Health Act*, Cap 248 of the Laws of Kenya.
  - b. That the Petitioner, DWM be and is hereby appointed as the anager of the Estate and all the affairs of the said Mr. JMM .
  - c. That the Petitioner be and is hereby appointed as the Guardian of the patient, the said Mr. JMM .
  - d. That the costs of this application be borne by the Estate of the said Mr. JMM .

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 16<sup>TH</sup> DAY OF JUNE , 2025.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

Mr. Warui Maina counsel for the Petitioner

Court Assistant - Martin

