



REPUBLIC OF KENYA



**In re JMK (Patient) (Petition E009 of 2024)
[2024] KEHC 1383 (KLR) (Family) (15 February 2024) (Judgment)**

Neutral citation: [2024] KEHC 1383 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY**

PETITION E009 OF 2024

HK CHEMITEI, J

FEBRUARY 15, 2024

IN THE MATTER OF

**FR MNK 1ST PETITIONER
DR NNK 2ND PETITIONER
EMKS 3RD PETITIONER**

JUDGMENT

1. In their petition dated 9th January 2024 the Applicants pray for the following orders:
 - (a) That JMK (the patient) is hereby declared to be suffering from mental disorder pursuant to Section 26 of the [Mental Health Act](#) cap 248 Laws of Kenya.
 - (b) This court do and hereby appoints the petitioners as guardians and managers of the estate of JMK in accordance with [Mental Health Act](#) with special permission pursuant to Section 27(1) (a) of the [Mental Health Act](#) to mortgage, charge or transfer by sale gift, surrender exchange or otherwise any immovable property of which the estate may consist and;
 - (c) The petitioners to access funds from the bank accounts held by JMK at Standard Chartered Bank of Kenya Limited Machakos branch account number (Particulars Withheld) or any other bank account in Kenya.
2. The petition is premised on the sworn affidavits of the applicants dated the same date.
3. The court directed that the subject be availed to the court and on 29th January 2024 when this matter come up for hearing and the court was able to see and interview him online although he was bedridden and appeared a little bit incoherent.
4. The applicants and their siblings were well online.



5. The court has perused the medical annexures to the affidavit in support especially the one dated 3rd January 2024 from BSR Hospital.
6. In view of what the court has read and observed and interviewed the parties and the consent by all the family members I do find the petition meritorious and the same is hereby allowed as prayed with no order as to costs.

DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 15TH DAY OF FEBRUARY 2024.

H K CHEMITEI.

JUDGE

