



**In re GGW (A Person Suffering from Mental Disorder) (Miscellaneous Application E008 of 2022) [2024] KEHC 6266 (KLR) (12 March 2024) (Judgment)**

Neutral citation: [2024] KEHC 6266 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAJIADO  
MISCELLANEOUS APPLICATION E008 OF 2022  
SN MUTUKU, J  
MARCH 12, 2024  
IN THE MATTER OF SECTION 26, 28(1) AND 28(2) OF  
THE MENTAL HEALTH ACT, CAP 248 LAWS OF KENYA  
AND  
IN THE MATTER OF G.G. W (A PERSON SUFFERING FROM MENTAL DISORDER)  
AND  
IN THE MATTER OF AN APPLICATION BY F.M.N TO BE APPOINTED  
GUARDIAN OVER THE AFFAIRS AND MANAGER OF THE ESTATE OF G.G.W  
IN THE MATER OF GUARDIANSHIP OF SUBJECT – G.G.W  
IN THE MATTER OF  
FMN ..... PETITIONER**

**JUDGMENT**

1. This matter has been determined. The Applicant sought the following orders from this court:
  - i. That the Subject GGW be declared to be a person suffering from mental disorder.
  - ii. That the petitioner be appointed as the guardian of the Subject GGW.
  - iii. That the Court to appoint the petitioner, FMN, as manager of the estate of the subject, GGW.
2. On 30<sup>th</sup> October 2023 I delivered a partial judgment in which I stated, at paragraph 15, as follows:
  15. To enable this court to fully determine this matter, there is need for the Applicant to comply with the law. In exercise of the inherent powers of this court, I direct that the Petitioner do provide the full particulars of the property forming the estate of the Subject and particulars of other family members of the Subject. To enable the Petitioner to comply with this order, I will



allow her 60 days to file a further affidavit introducing the information required in compliance with this court order and to enable this court to conclude this matter.

3. In compliance with that order, the Applicant filed a Further Affidavit sworn on the 17<sup>th</sup> December 2023 in which she deposed that the Subject is an orphan, his father JWG and mother NWN having passed in 2000 and 20<sup>th</sup> June 2020 respectively. The other members of the family named in the said affidavit are a maternal uncle JM of National Identity Card No. (Particulars withheld) and a paternal uncle MN of cell phone number (Particulars withheld).
4. The Further Affidavit stated further that the mother of the Subject left behind assets forming the estate, being money held by Cooperative Bank Account No. (Particulars withheld) and Insurance proceeds from Pioneer Insurance Company. The Applicant did not disclose the amount of money either in the bank account or held by the insurance.
5. This court is satisfied that there are no family members requiring to be provided for from the estate of the Subject.
6. As specified in the judgment, the duties of the manager of an estate of a person suffering from a mental disorder are clearly specified in the Act in Sections 27, 28, 29, 30 and 31. This court having received the information it sought from the Applicant, hereby makes the following orders:
  - i. The Subject, GGW, is hereby declared to be a person suffering from mental disorder.
  - ii. The Petitioner/Applicant is hereby appointed Guardian of the Subject GGW.
  - iii. The Petitioner/Applicant is appointed as the Manager of the estate of the Subject.
  - iv. The Petitioner/Applicant shall use the resources from the estate of the Subject for the benefit of and to take care of the Subject in terms of medical care, upkeep, paying for the daily care giver and related expenses.
  - v. The Petitioner/Applicant shall act within the law in performing her duties as the Guardian of and Manager of the estate of the Subject.
7. Orders shall issue accordingly.

**DATED, SIGNED AND DELIVERED THIS 12<sup>TH</sup> MARCH 2024.**

**S. N. MUTUKU**

**JUDGE**

