



**In re DNN (Subject) (Family Miscellaneous Civil Case E117 of 2023)
[2024] KEHC 8132 (KLR) (Family) (4 July 2024) (Judgment)**

Neutral citation: [2024] KEHC 8132 (KLR)

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

FAMILY

FAMILY MISCELLANEOUS CIVIL CASE E117 OF 2023

SN RIECHI, J

JULY 4, 2024

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

AND

IN THE MATTER OF DNN

IN THE MATTER OF

FMM PETITIONER

JUDGMENT

1. FMM the Petitioner filed this petition brought under Section 26 and 28 of the [Mental Health Act](#) seeking appointment of Guardian and Manager of the affair of DNN her husband.
2. In her Petitioner she testified that they married in 2010 and have one issue of MTAWN now aged 13 years old. She testified she is a businesswoman and the subject works at a private company (Particulars withheld). The subject became unwell in October 2023 and was admitted to Aga Khan Hospital. He was discharged and committed to home care. She is the care giver and that the Subject due to the illness cannot managed his affairs. She therefore prays for orders to appoint as guardian and manager. This is specifically to access the subject's accounts at Standard Chartered and I and M Bank for the purpose of withdrawing funds for the treatment of the subject.
3. This Court observed the subject during the virtual hearing. He was in bed and was being attended to by a nurse. He was unable to respond to the court's inquiry and appeared clearly unwell. The attending doctor Dr. G. Tesfaledet Consultant Physician at Aga Khan Hospital in report dated 6th May, 2024 stated:

“The above named 46 year old gentleman was recently discharged from hospital having been admitted for more than a month, because of multiple severe medical problems. He is at



present mentally and physically disabled. He is incapable of making decisions on his own behalf.

I strongly recommend that power of attorney be given to a legally appropriate person, who can take decisions on his behalf.”

4. I have considered the Petition and the medical report, I find that the subject as a result of multiple medical problems he is not mentally and physically able to manage his affairs. I therefore appoint the Petitioner FMM as the guardian and manager of his affairs. In particular, the petitioner to access, manage and conduct transactions in the subject’s following bank account:

1. Bank: Standard Chartered Bank of Kenya

Account No: (Particulars withheld)

2. I & M Bank

A/c No. (Particulars withheld)

All in the name of DNN

DATED AT NAIROBI THIS 4TH DAY OF JULY, 2024

S. N. RIECHI

JUDGE

