



**In re RMN (Miscellaneous Application E120 of 2024)
[2024] KEHC 14314 (KLR) (Family) (24 October 2024) (Judgment)**

Neutral citation: [2024] KEHC 14314 (KLR)

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

MISCELLANEOUS APPLICATION E120 OF 2024

HK CHEMITEI, J

OCTOBER 24, 2024

**IN THE MATTER OF AN APPLICATION/PETITION UNDER SECTIONS 2,
26, 27 AND 28 OF THE MENTAL HEALTH ACT, CAP 248, LAWS OF KENYA
IN THE MATTER OF ORDER 32 RULE 15 OF THE CIVIL PROCEDURE
ACT, CAP 21 LAWS OF KENYA AND THE CIVIL PROCEDURE RULES**

AND

IN THE MATTER OF R M N..... (WARD)

AND

IN THE MATTER OF AN APPLICATION BY JOSEPH NDESANJO

JUDGMENT

1. In his petition dated 18th June 2024 the Petitioner has sought orders that he be appointed guardian and manager of R M N, the Ward who is his brother. He has also applied that he be allowed to access the Ward's bank accounts and manage the same.
2. The application has been supported by his sworn affidavit dated 18th June 2024 together with the annexures thereto which includes the medical documents from one Dr Nelly Kitazi of Aga Khan University Hospital Nairobi and Dr F R Owiti of Chiromo Lane medical Centre dated 3.5.2016 and 9th September 2009 respectively.
3. The Ward's mother Ruth Ndesanjo has equally supported the application vide her affidavit dated 18th June 2024.
4. The court has perused the said pleadings and it is evident that the Ward has suffered the decease of the mind for many years and has been under the care and support of his immediate family as he remains unmarried.
5. In the premises I find the application meritorious and allow the same as prayed.



6. The Petitioner shall ensure that he complies with Section 27 of the *Mental Health Act* Cap 248 of the Laws of Kenya and in particular have the matter gazetted.

DATED SIGNED AND DELIVERED VIDE VIDEO LINK AT NAIROBI THIS 24TH DAY OF OCTOBER 2024

H K CHEMITEI

JUDGE

