



REPUBLIC OF KENYA



KENYA LAW
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**In re SNN (Family Miscellaneous Application E003 of 2021)
[2023] KEHC 982 (KLR) (7 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 982 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
FAMILY MISCELLANEOUS APPLICATION E003 OF 2021**

GL NZIOKA, J

FEBRUARY 7, 2023

IN THE MATTER OF SNN (A PERSON SUFFERING FROM A MENTAL DISORDER)

IN THE MATTER OF

GKN APPLICANT

RULING

1. By a Petition filed in court on September 7, 2021, the Petitioner is seeking for the following orders:-
 - i. The Petitioner be appointed to act as the legal guardian of SNN.
 - ii. That the said Petitioner be authorized to manage all the properties and assets of SNN by collecting, maintaining and doing all that appertaining the preservation of the same.
 - iii. That the said Petitioner be authorized to use any income derived from the properties and assets of SNN for his care, medication and other incidentals thereto.
 - iv. And any other relief this Honourable Court may deem fit and just to grant.
 - v. Costs of this petition.
2. The petition is supported by the grounds thereto and an affidavit sworn by the Petitioner. He deposes in a nutshell that, the subject herein SNN, was diagnosed with Huntingtons Chorea Dementia and Co-morbid Depression Disorder and therefore he cannot take care of himself.
3. That other family siblings diagonised with the similar disorder are;-
 - a. GKN
 - b. GWN
 - c. IKN
 - d. JWN



4. Further, the subject's mother is elderly at the age of 79 years and is not in a position to take care of him. However, the subject has money held in an account No.20***** at Barclays Bank being the earning from retirement premiums from TSC. Therefore, it is necessary that the petition be allowed for the applicant to access the bank account and assets for collection, management and ensure that the subject gets his medication. Further it is in the interest of justice that, the orders prayed for be granted.
5. I have considered the prayer(s) in the petition (although in my opinion, this should have been miscellaneous application matter) I have also heard from the Doctor who wrote a medical report filed herein and the siblings of the applicant. I similarly note that, the ID card of the subject SNN has been availed.
6. In addition a medical report from Bonsai Wellness Center relating to the medical condition of the subject has been availed. It indicates that, the subject is suffering from chronic neurodegenerative mental condition. That, he has poor prognosis as his condition leads to a steady decline in cognition, memory and neural function. Further he is unlikely to regain his Pre-morbid state and will require assistance in even the basic chores. Further, he is not able to cater or fend for himself nor engage in meaningful economic activities including his occupation.
7. I further note that there is a letter from office of the chief of Githiga location supporting the application, although the reasons for the same is not indicated. Finally I note that a consent has been filed by all the siblings of the Petitioner supporting the grant of the orders sought.
8. In the given circumstances, I allow the petition in the following terms
 - a. Prayer (1) is allowed as prayed for.
 - b. The Petitioner is hereby allowed to access the bank account in question for obtaining the information on credit balance therein.
 - c. Upon accessing the account, he shall file in court a statement of accounts showing the credit balance on the account (if any).
 - d. Once the disclosure is made, the court shall issue further orders on withdrawal of the funds.
 - e. For clarity all funds that, may be withdrawn from the account must be expended on the medical bills of the subject to the approval of the court.
 - f. For mention on March 15, 2023 for final orders.

DATED, DELIVERED AND SIGNED THIS 7TH DAY OF FEBRUARY, 2023,

GRACE L. NZIOKA

JUDGE

In the presence of:-

Mr. Karanja for the Petitioner/Applicant

No appearance for the Respondent

