



REPUBLIC OF KENYA



KENYA LAW
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**EJC v RCK (Miscellaneous Application E006 of 2022)
[2023] KEHC 2084 (KLR) (14 March 2023) (Judgment)**

Neutral citation: [2023] KEHC 2084 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
MISCELLANEOUS APPLICATION E006 OF 2022**

RB NGETICH, J

MARCH 14, 2023

BETWEEN

EJC PETITIONER

AND

RCK INTERESTED PARTY

JUDGMENT

1. The Petitioner EJC filed petition dated December 20, 2022 brought under sections 26, 28(1) and 28(2) of the *Mental Health Act* Cap 248 (Laws of Kenya) seeking orders to have the subject RCK adjudged as person with mental disorder and to be appointed as guardian Ad Litem to manage the subject's estate. The properties to be managed include Standard Chartered Bank Account No 01501811xxxxx and subject's land.
2. Medical Assessment Report dated September 6, 2022 prepared by Leah Sumukwo Psychiatry Clinical Officer from Baringo Sub-County Hospital has been attached to the petition. It confirms that the subject RCK is a person with mental disorder.
3. The petitioner also attached minutes of a meeting held on September 3, 2022 by the family members. I note that the family members include the subject's children listed in the petition. They resolved that the petitioner herein EJC be appointed to help the subject RCK in accessing funds at Standard Bank Account No 01501811xxxxx.
4. The Petitioner has also attached a Letter from Chief Kiboino Location. The Chief indicated that the subject who is a retired KDF Officer was well until 5 years ago when he developed memory loss which has continued to worsen.
5. The deceased's children and/or representatives have attended court to confirm that they have consented to the petitioner managing the estate/affairs of the subject RCK.



6. From the foregoing there is confirmation that the subject RCK suffers from mental disorder and is not able to manage his affairs. It would be in the interest of justice to appoint his daughter EJC, the Petitioner herein to manage his affairs. I therefore proceed to allow the petition and make orders as set out hereunder.

Final orders:

1. I hereby declare that the subject RCK is a person with mental disorder.
2. I hereby appoint EJC as guardian Ad Litem to manage the estate of RCK .
3. EJC is authorised to operate the account No 01501811xxxxx Standard Chartered Bank of the subject RCK .
4. The funds in the account to be managed for the benefit of the subject RCK .
5. The authority granted to EJC in respect to Land is Limited to management and not disposal.
6. Periodic statement of accounts to be filed as required by statute.

DATED, SIGNED AND DELIVERED AT KABARNET THIS 14TH DAY OF MARCH, 2023.

RACHEL NGETICH

JUDGE

In the presence of:

Mr. Kemboi – Court Assistant.

Mr. Kiptoo – Counsel for the Petitioner.

