



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re HNT (A Person of Unsound Mind) (Civil Miscellaneous Application E453 of 2022) [2023] KEHC 4088 (KLR) (Family) (8 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 4088 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
CIVIL MISCELLANEOUS APPLICATION E453 OF 2022  
AN ONGERI, J  
MAY 8, 2023**

**IN THE MATTER OF**

**MNN ..... APPLICANT**

**RULING**

1. The applicant filed the notice of motion dated 15/7/2021 seeking for orders that she be appointed a Guardian and next friend of HNT(hereafter referred to as the subject) who is a person of unsound mind.
2. The exparte application is filed under order 32 rule 15 of the [Civil Procedure Rules](#) and Sections 26 and 27 of the [Mental Health Act](#) which state as follows;

Order 32 rule 15 provides;

Application of rules to persons of unsound mind

The provisions contained in rules 1 to 14, so far as they are applicable, shall extend to persons adjudged to be of unsound mind, and to persons who though not so adjudged are found by the court on inquiry, by reason of unsoundness of mind or mental infirmity, to be incapable of protecting their interests when suing or being sued.

3. The application is supported by the affidavit of the applicant sworn on 15/7/2022 in which she deposed that Hannan Neil Townsend is 85 years old and was diagnosed with dementia and Alzheimer's. It was indicated that Hannan was sued by his former house help in Employment Cause ELRC No. 1220 of 2019, *Sheillah Mubambe v Neil Townsend t/a Valam Properties at Milimani Commercial Courts*.



- 4. When the matter was last in court they informed it that they were seeking an order that she be appointed as next of friend and guardian as per the provisions of section 26 and 27 of the Mental Health Act and order 32 rule 15 of the Civil Procedure Rules.
- 5. I find that the applicant has attached a medical report which shows that the subject suffers dementia. She also attached their marriage certificate.
- 6. The applicant be and is hereby appointed guardian and next friend of the subject.

**DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 8TH DAY OF MAY, 2023.**

.....

**A. N. ONGERI**

**JUDGE**

**In the presence of:**

..... **for the Applicant**

