



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

MISC APPL.NO.13 OF 2020

IN THE MATTER OF SECTION 26 AND 38 OF THE MENTAL HEALTH ACT

AND

IN THE MATTER OF THE ESTATE OF AK (SUBJECT)

MWK.....APPLICANT

RULING

1. The petitioner **MWK** who is a sister to the subject herein **A KM** by application dated 15th September 2020 seeks to be appointed as the subject's legal guardian and or manger of his estate.
2. Grounds on the face of the application are that the subject suffers from chronic psychotic disorder (schizophrenia) illness characterized by thoughts, behavioral perception and speech problem and cannot manage his affairs.
3. That it is in the interest of justice that this application be allowed for purposes of helping the subject access medical care and meet his expenses.
4. The application is supported by affidavit sworn by the petitioner on 15th September 2020. She restated grounds on the face of the application, she averred that the subject cannot conduct his own affairs including payment of hospital bills and his care givers.
5. The applicant averred that the subject is admitted at Mathari hospital. She averred that his source of income is under family agent [Particulars Withheld] Properties Ltd and the money will be used for the betterment of the subject who is aged 59 years' old.
6. The petitioner attached authority note signed by her siblings consenting to being appointed as legal guardian of the subject herein.
7. She also attached a medical report by **Doctor Njau J.W** who confirmed that the subject suffers from chronic disorder(schizophrenia) and that the illness started in the year 2002 and has been on medication since then. He further confirmed that due the illness, the subject's memory, concentration, attention, judgment and abstract thinking have been impaired.

ANALYSIS AND DETERMINATION

8. I have considered grounds in support of the application herein. **Doctor Njau's** medical report has confirmed that due to mental disorder, the subject is unable to manage his personal affairs. The petitioner's siblings are not opposed to her being appointed legal guardian of the subject herein.
9. None of the subject's siblings or relative has raised any objection to the application herein. The applicant has demonstrated that the applicant is unable to run his affairs and his siblings are not opposed to application. I find the application merited.

10. FINAL ORDERS

- 1) **Petitioner MWK is hereby appointed legal guardian of the subject herein AK.**
- 2) **The subject's funds from [Particulars Withheld] Properties Ltd to be utilized for the welfare of the subject AK.**

Ruling dated, signed and delivered via zoom at Nakuru

THIS 1ST DAY OF JULY, 2021

.....

RACHEL NGETICH

JUDGE

In the presence of:

Jeniffer - Court Assistant

Mr. Gatheca Counsel for Applicant