

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARISSA

CIVIL MISC NO. E002 OF 2020

IN THE MATTER OF SECTIONS 26 & 27 OF THE MENTAL

HEALTH ACT CAP 248 OF THE LAWS OF KENYA

AND

IN THE MATTER OF IHI

FYH.....PETITIONER

RULING

1. The application before court is a Notice of Motion dated 30th October 2020 brought under certificate of urgency and seeking to have the applicant herein FYH (**FYH**) appointed as the manager of the subject **IHI** for purposes of accessing the subject's pay for the upkeep of the children of the couple and the subject together with the applicant who is his wife.
2. The subject has been ailing since September 2020 and is placed on medication. He is said to be suffering from schizophrenia a severe mental illness. He exhibits erratic behaviour and is unable to take care of himself and his affairs. The first report dated 11th September 2020 indicated that he has been put on medication for a month. A second report dated 11th September 2020 indicates that the condition needs long term treatment.
3. For now and to alleviate the hardship the family is suffering before main petition is heard and determined the applicant **FYH** be and is hereby appointed as an interim manager of the estate of the subject herein for a period not exceeding four (4) months and she will for avoidance of doubt be able to access funds from the subject's account No. 11xxxxxxx with KCB Bank Garissa Branch for the next four (4) months pending further orders.
4. No substantive petition has so far been filed. The applicant is directed to file a petition within the next 30 days of the date hereof.
5. Mention on the 19th of April, 2021 for further directions.

DATED, DELIVERED AND SIGNED AT GARISSA THIS 8th DAY OF DECEMBER, 2020.

.....

ALI ARONI

JUDGE