



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**FAMILY DIVISION**

**MISC. APPLICATION NO. 67 OF 2018**

**IN THE MATTER OF AN APPLICATION FOR GUARDIANSHIP OF JNN (A PERSON OF UNSOUND MIND)**

**PMN.....1<sup>ST</sup> PETITIONER**

**HKN.....2<sup>ND</sup> PETITIONER**

**JWN.....3<sup>RD</sup> PETITIONER**

**JUDGMENT**

1. **PMN, HKN and JWN** who are children of the Subject herein **JNN** petitioned this court on the 6<sup>th</sup> of June 2018 pursuant to **Section 26(1)** of the **Mental Health Act, Cap 248 and Sections 1A, 1B, 3 and 3A** of the **Civil Procedure Rules** seeking to be appointed guardians of the Subject jointly and severally and further to act as managers of his estate.
2. In an affidavit sworn by **PMN** on behalf of his siblings he informed the court that their mother is also elderly and resides in Murang'a this was in a bid to eliminate her from carrying out the tasks they seek to undertake.
3. He further informed the court that their father who is not well has undergone numerous procedures due to a failed kidney and has had several bouts of cancer. A medical report by one Dr. Paul M. Njogu was annexed in support of the averments.
4. In addition he informed the court that their father has had a long history of memory loss, poor concentration and has no short term recollection and lacked the mental capacity to sufficiently understand, absorb and retain information that would enable him make reasonable decisions, neither can he completely manage himself.
5. The court had the Subject produced in court and an occasion to engage with him and observe his demeanor.
6. Having considered the pleadings, the annexures and having seen and engaged with the Subject the court formed the opinion that the application by the Subject's children is reasonable and warranted in the circumstances.
7. Consequently,
  - a) The Subject **JNN** be and is hereby adjudged to be a person suffering from a mental disorder.
  - b) **PMN, HKN and JWN** be and are hereby jointly appointed as guardians of the said **JNN**.
  - c) **PMN, HKN and JWN** be and are hereby appointed as managers of the Estate of **JNN**.
  - d) **PMN, HKN and JWN** as guardians and managers of the Subject **JNN** may execute all court papers, file and defend any litigation on behalf of the Subject **JNN** and preserve, protect and realise any rights of the Estate and or any of its assets.
  - e) Costs in the cause.

**DATED, SIGNED and DELIVERED at NAIROBI this 16<sup>th</sup> DAY OF MAY, 2019.**

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**ALI-ARONI**

**JUDGE**