



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
PETITION NUMBER 4 OF 2019
IN THE MATTER OF THE MENTAL HEALTH ACT
CAP 248 LAWS OF KENYA
AND
IN THE MATTER OF GWM (A PERSON SUFFERING FROM MENTAL DISORDER)
AND
IN THE MATTER OF AN APPLICATION BY EWM TO BE
APPOINTED GUARDIAN OVER THE AFFAIRS OF THE ESTATE OF GWM
EWM.....PETITIONER

RULING

1. Vide a petition dated 7th May 2019, EWM seeks orders;

(i) This Honourable Court be pleased to appoint the Petitioner as the Guardian of GWM in accordance with the Mental Health Act.

(ii) The costs of this Petition be borne by the Petitioner.

2. The facts surrounding the petition are that GWM is the only sister to the applicant. GWM is suffering a mental disorder. Both parents of the applicant and GWM are deceased. The petitioner has been the custodian and in actual custody of GWM .

3. Attached to the affidavit in support of the petition are copies of GWM's identity card and National Council for persons with disabilities card registration number NCPWD/P/[xxxx].

4. Annexed too are death certificates of the parents of the petitioner and the subject.

5. In a supplementary affidavit is annexed a medical report in respect of the subject. The doctor opines that the subject has speech learning challenges and in mental capacity.

6. I have considered the petition and the evidence presented by way of affidavits.

7. A proper case has been made for the appointment of EWM as a guardian over the affairs of the estate of GWM .

8. Accordingly, I allow the petition dated 7th May, 2019 and make the following orders;

1. EWM is hereby appointed the Guardian of GWM in accordance with the Mental Health Act.

2. The costs of this petition be in the cause.

Dated and Signed at Nakuru this 18th day of July, 2019.

A. K. NDUNG'U

JUDGE