



**REPUBLIC OF KENYA**

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

**PET. NO. 28 OF 2018**

**IN THE MATTER OF SECTIONS 26 (1)(a), (b), (3), 27 (1) 28(1) 30, 32 and 33(1) & (2) OF MENTAL HEALTH ACT, CAP 248 LAWS OF KENYA, SECTIONS 3, 3A AND 63(e) OF THE CIVIL PROCEDURE ACT, CAP 21 LAWS OF KENYA AND ORDER 32 RULE 15 OF THE CIVIL PROCEDURE RULES 2010**

**AND**

**IN THE MATTER OF G M N, A PERSON SUFFERING FROM MENTAL INFIRMITY AND INCAPABLE OF PROTECTING HIS INTEREST OWING TO BRAIN INJURY SUSTAINED AS A RESULT OF ROAD TRAFFIC ACCIDENT ON 5<sup>TH</sup> NOVEMBER, 2016**

**SGM.....PETITIONER/APPLICANT**

**R U L I N G**

1. I have considered the petition dated 26/11/2018.
2. The applicant is a wife of one GMN. She testified how her husband was involved in an accident on 05/11/2016. As a result of that accident he sustained injuries which have led to his mental incapacity. He currently suffers from post-Traumatic Psychotic Disorder.
3. According to the mental examination Report of Dr. Mwikamba Andrea dated 01/08/2018, the subject can no longer make his own decisions.
4. In view of the foregoing, I am satisfied that the Applicant /Petitioner has satisfied the requirements of the mental Health Act, Cap 248.
5. Accordingly, I allow the Petition dated 26/11/2018 as prayed.

**A. MABEYA**

**JUDGE**

**05/12/2018**