



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

PETITION NUMBER 1 OF 2018

PG.....PETITIONER

JW.....SUBJECT

RULING

1. The petitioner, PG seeks orders;

a) THAT the applicant/petitioner herein be appointed the legal guardian and or manager of the estate of the subject.

b) THAT cost of this petition be in the cause.

2. The same is supported by an affidavit sworn by the petitioner on 28/6/2018 and filed in court on the 2/7/2018.

3. The gist of the petition is that JW (the subject) is the mother of the petitioner and three (3) others.

4. The subject is a psychiatric patient suffering from maniac depressive psychosis (MDP) and had difficulties with attention and concentration. Copies of medical records are attached. A letter from the subject's local chief is also exhibited confirming her state of mind.

5. It is urged that the subject has been sued in **Environment and Land Case Number 47 of 2018** and in view of the foregoing, she cannot be able to conduct her affairs.

6. The siblings of the petitioner have signed a consent to the appointment of the petitioner as the legal guardian and/or manager of the affairs of the subject.

7. Having considered the petition, the supporting affidavit and the exhibits availed, I am satisfied that suit **Nakuru Chief Magistrate's Environment and Land Case Number 47 of 2018** has been filed against the subject where the subject is the defendant.

8. From the medical records and the confirmation by the local chief, it is clear that the subject is afflicted with a mental illness rendering her unable to conduct/manage her affairs.

9. The appointment of a legal guardian is in the interest of the subject.

10. I note that the other persons with a direct interest in the affairs of the subject have consented to the appointment of the petitioner as the legal guardian.

11. For reasons stated, I am satisfied that the petition herein has merit. I allow the same and make the following orders;

1. PG is hereby appointed the legal guardian and manager of the estate of JW.

2. The appointment is limited to the defence of the suit Nakuru Chief Magistrate's Environment and Land Case Number 47 of 2018.

3. Costs in the cause.

Dated and Delivered at Nakuru this 13th day of December, 2018.

A. K. NDUNG'U

JUDGE