



**REPUBLIC OF KENYA**

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

**MISCELLANEOUS APPLICATION 55 OF 2012**

**IN THE MATTER OF MRS. SOEDJIRAK VAMOS (a.k.a SOEDJIRAH VAMOS)**

**RULING**

1. I have considered the petition of GEZA VAMOS of 3081 W 3<sup>rd</sup> Avenue, Vancouver Canada, dated 4<sup>th</sup> April 2012 and filed in this court on 2<sup>nd</sup> May 2012.
2. The petitioner seeks orders under S.26 of the Mental health Act to be appointed the Guardian of his mother Mrs. SOEDJIRAK VAMOS (A.K.A SOEDJIRAH VAMOS) and the manager of her property. The petition is made on the Ground that the said SOEDJIRAK VAMOS who is 80 years old is suffering from mental incapacity and in incapable of managing his affairs.
3. Although both the petitioner and the subject are Canadian Citizens, the subject is domiciled in Kenya by virtue of her marriage. Her husband is deceased and the petitioner is her only surviving child and next of kin.
4. I have seen the declaration of the subject's doctor, one Dr. RITA WINONA ROWAT OF 3375, ASH STREET, VANCOUVER, DC CANADA, certifying the subject as being mentally incapacitated, to the extent that she cannot marriage her own affairs and will remain dependant on some other person for the rest of her life. The said doctor supports the appointment of the petitioner, whose appointment she considers the best way of ensuring that the subject is well looked after and her affairs properly managed.
5. I am satisfied of the merits of the petition on the facts given and documentation produced in support thereof. Accordingly, the same is hereby allowed and the order sought under prayer 8 thereof granted.

**DATED, SIGNED and DELVIERED at NAIROBI this 13<sup>th</sup> DAY OF July, 2012.**

**M.G. MUGO**

**JUDGE**

In the presence of :

for the applicant.