



**In re Declaration of Appointment of Next as Friend, Guardian and Manager
of the Affairs of the Estate of CNG (Miscellaneous Civil Application
E021 of 2025) [2025] KEHC 16766 (KLR) (Civ) (18 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16766 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYANDARUA
CIVIL**

MISCELLANEOUS CIVIL APPLICATION E021 OF 2025

KW KIARIE, J

NOVEMBER 18, 2025

**IN THE MATTER OF THE DECLARATION OF APPOINTMENT OF NEXT AS
FRIEND, GUARDIAN AND MANAGER OF THE AFFAIRS OF THE ESTATE OF
CNG.**

IN THE MATTER OF

MNN APPLICANT

RULING

1. MNN, the applicant, is the wife of CNG. She brought an application by way of a Notice of motion dated 15th October, 2025. The application is made under section 26(1) of the *Mental Health Act*, CAP 248, Laws of Kenya; Order 32, Rules 1 to 15; Order 51, Rule 1 of the Civil Procedure Rules & Article 159(2) of the *Constitution* of Kenya. She is seeking to be appointed as the manager of CNG's affairs. The application is premised on the following grounds:
 - a. The said CNG is mentally and physically incapacitated and admitted to a hospital in critical condition.
 - b. The said CNG had therefore become incapable of taking care of his own affairs and property.
 - c. It is only proper that the applicant be appointed as next friend, guardian and manager.
 - d. The applicant is willing and able to act in the said capacity.
 - e. The applicant had exhausted all her resources for the hospitalization and treatment of the said CNG.



- f. The applicant would therefore like to be granted access to the bank accounts aforesaid to enable her to continue playing the said role.
 - g. It is in the interest of justice and fair administration of the law that the application be granted.
2. Section 26(1) of the *Mental Health Act*, CAP 248, Laws of Kenya provides as follows:
1. An application for an order for the management and administration of the estate of a person with mental illness may be made to the court, in the following order of priority, by—
 - (a) a supporter of the person with mental illness; or
 - (b) the representative of the person where the person with mental illness has not appointed a supporter.
 3. This part of the requirement has been complied with. I have found that subsection two has not been complied with. The subsection provides as follows:
 - 2) An application under subsection (1) shall be submitted together with an affidavit setting out—
 - (a) the grounds upon which the application is made;
 - (b) the full particulars as to the property and relatives of the person to whom it relates; and
 - (c) a certified true copy of the admission or treatment and particulars in respect of person duly admitted as a person with mental illness.
 4. The applicant did not provide the full details regarding the property and relatives of CNG, nor did she furnish a certified true copy of his admission or treatment.
 5. Due to the noncompliance, the order sought cannot be issued.

DELIVERED AND SIGNED AT NYANDARUA, THIS 18TH DAY OF NOVEMBER 2025

KIARIE WAWERU KIARIE

JUDGE.

