



**In re RVM (Minor) (Guardianship Cause E002 of 2024)  
[2025] KEHC 18331 (KLR) (11 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18331 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NANYUKI  
GUARDIANSHIP CAUSE E002 OF 2024  
AK NDUNG’U, J  
DECEMBER 11, 2025  
IN THE MATTER OF THE CHILDREN’S ACT 2022  
AND  
IN THE MATTER OF R V M**

**IN THE MATTER OF  
LNM ..... APPLICANT**

**RULING**

1. The Applicant, L N M has moved this court vide the originating summons dated 4<sup>th</sup> October 2023 seeking the following orders:-
  1. That the Applicant be appointed the guardian of the minor known as R V M.
  2. That this honourable court be pleased to make any further orders, as it deems fit and just in the circumstances.
2. The application is based on the following grounds:-
  1. The applicant requires the order for guardianship to enable her to adequately provide for general upkeep, medical cover, school fees, school related expenses and make a follow up on school related activities of the minor child.
  2. That the child is related to the applicant and the minor child’s mother and father are since deceased and the applicant has been providing and maintaining the minor child since the death of her mother.
  3. That no one has an objection to the guardianship order being issued to the applicant herein.
  4. That the child is sickly and requires special needs.



5. That the applicant has been receiving funding from the Kenya Revenue Authority to be able to further provide for the child and pay her school fees.
  6. That the Kenya Revenue Authority has halted funding until the applicant proves guardianship to the child.
  7. That the child is a niece to L N M the Applicant herein.
3. The application is supported by a Supporting Affidavit by the Applicant who states as follows:
1. That she is a female adult of sound mind duly authorised and competent to swear this affidavit.
  2. That she is an aunt to the minor child R V M the subject matter of these proceedings.
  3. That the aforesaid minor child is her niece and the child's parents have since died and she has been living with her since the death of her mother.
  4. That before the death of her sister Susan Gathoni Mwangi and the father of the minor child, the parents of the minor child had separated and her sister was living with her daughter.
  5. That she lives with the child and have been taking care and providing for the said minor child since the mother's death.
  6. That she requires the order for guardianship to enable her adequately provide for general upkeep, medical cover, school fees and school related expenses and make a follow up on school related activities of the minor child.
  7. That it is in the best interest and welfare of the child that this application be granted.
4. The Applicant has filed an affidavit of fitness and states as follows:-
1. That she knows and verily believe that she is qualified to act as a guardian to R V M as she has done so since her sister's death.
  2. That she has consented to act as guardian in respect of the said R V M (minor child).
  3. That she knows and believes that the said R V M is a minor child who needs a person to champion her best interest as she has many needs.
  4. That she can fairly and competently take care of the said R V M who is very familiar with her.
  5. That it is in the best interest and welfare of the minor child that this application be granted.
  6. That she has the minor child's interest at heart.
5. There was no objection to the application and there are no adverse reports from the The Directorate of Children Services.
6. The issue for determination is whether the Applicant should be appointed guardian of the minor under the *Children Act*, 2022.
7. Section 114–119 of the *Children Act*, 2022 empowers this Court to appoint a guardian where:
- a. The welfare and best interests of the child require such appointment;
  - b. The applicant is fit and proper;
  - c. The parent is deceased and cannot therefore exercise parental responsibility; or



8. Having considered the application and the affidavit evidence on record, the court notes that the minor is in need of a legal guardian and the Applicant has demonstrated the ability to provide adequate care.
9. There is no evidence that the Applicant is unfit. The appointment of a guardian for the minor in this case is in line with the best interests of the child principle under Article 53(2) of *the Constitution* and Section 8 of the *Children Act*.
10. I am satisfied that the Applicant has met the legal threshold for appointment as guardian. I make the following orders;
  1. L N M is hereby appointed legal guardian of the minor R V M.
  2. The guardian shall assume parental responsibility in accordance with the *Children Act*, 2022.
  3. The guardian shall ensure the child's welfare, education, health, and general well-being.
  4. There shall be liberty to apply.

**DATED SIGNED AND DELIVERED VIRTUALLY THIS 11TH DAY OF DECEMBER 2025.**

**A.K. NDUNG'U**

**JUDGE**

