



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of SWM (Miscellaneous Application E004 of 2025)
[2025] KEHC 19149 (KLR) (17 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19149 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
MISCELLANEOUS APPLICATION E004 OF 2025**

**RPV WENDOH, J
DECEMBER 17, 2025**

**IN THE MATTER OF AN APPLICATION FOR APPOINTMENT
UNDER SECTIONS 26, 27 & 28 OF THE MENTAL HEALTH ACT CAP 248 LAWS OF KENYA
IN THE MATTER OF THE ESTATE OF SWM (MENTALLY IMPAIRED)**

**IN THE MATTER OF
AW (SUING AS THE PROPOSED MANGER OF THE ESTATE OF
SWM) APPLICANT**

RULING

1. The applicant AW, filed this application on behalf of the second applicant SWM pursuant to Sections 26, 27 and 28 of the *Mental Health Act* Cap 248 Laws of Kenya. The applicant sought two orders,
 - a. Spent.
 - b. That this honourable court be pleased to appoint the 1st applicant herein, AW as the manager of the estate of SWM who is mentally impaired.
 - c. The court be pleased to grant the 1st applicant AW permission to access account number 0038XXX at Absa Bank Kenya Plc, Kitale branch held by the 2nd applicant and withdraw the sum of Kenya shillings thirty five thousand (Kshs 35,000/=) only on monthly basis effective immediately so as to raise funds to meet both medical needs and general upkeep of SWM.
2. The application is premised on grounds found in the body of the application and affidavit of AW dated 26/11/2025. The applicant deponed that she is the daughter of SWM (the subject) and that the subject has been ailing and has been diagnosed with dementia and stroke which has subjected her to unstable cognitive function and other related mentally impairing conditions; that the subject permanently requires care and support by the persons around her. The applicant annexed a letter by Dr. Silas Wambulwa, Head of diabetes clinic at the Wamalwa Kijana Teaching Referral Hospital Kitale;



that the subject holds an account with Absa bank Kitale Account number 0038XXX; that the said account has money which the applicant uses to settle her medical bills and other needs but due to her illness and condition, she is not able to manage her affairs; that is why the applicant prays that she be appointed the manager of her mother's estate.

3. I have considered the said application and the annexed documents. The letter from Dr. Silas Wambulwa dated 22/10/2025 indicates that the subject has been their patient since 2020 when she suffered a stroke and was diagnosed with dementia following complications of hypertension and diabetes.
4. The court requested that the subject be produced in court which was done and upon the court interrogating her, it is apparent that she does not know her whereabouts or what is happening around her. She is also confined to a wheelchair. This court is persuaded and agrees with the applicant that the subject is not in a condition to manage herself or her affairs and needs assistance and support.
5. The court had summoned the Area Chief of the applicant. The Assistant Chief Joseph Mukiri attended court and confirmed to knowing the subject and that she has been ailing. The subject's other children also attended court:-
 1. JM.
 2. CK.
 3. MN.
 4. JN.
6. All the above are agreeable to AW taking over management of the subject's affairs.
7. For all the above reasons, I grant the application dated 26/11/2025, in terms of prayer 2 and 3. Costs will be in the cause.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 17TH DAY OF DECEMBER, 2025

R. WENDOH

JUDGE

Ruling delivered in the presence of:-

Applicant present.

Ms Nabwile for the Applicant

Juma/Hellen – Court Assistants

