



REPUBLIC OF KENYA



KENYA LAW
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**In re MDK (Miscellaneous Case E127 of 2026)
[2026] KEHC 5135 (KLR) (14 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 5135 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

MISCELLANEOUS CASE E127 OF 2026

CJ KENDAGOR, J

APRIL 14, 2026

IN THE MATTER OF THE MENTAL HEALTH ACT CAP. 248 LAWS OF KENYA

IN THE MATTER OF MDK

IN THE MATTER OF

MSK APPLICANT

RULING

1. The Applicant filed a Chamber Summons dated 01st April, 2026 seeking the following orders:
 - a. Spent
 - b. Spent
 - c. That the applicant be appointed as the manager of the estate and guardian of Maina David Kagombe.
 - d. That the Manager be authorised to access Family Bank, Kenyatta Avenue Branch, Account Number 0XXXXXXXXX39 for the purpose of payment of medical expenses and maintenance of the Patient.
 - e. That the Manager do file an interim report of accounts within six months.
2. At the hearing of the application, the Subject's wife, Mrs. SNK, notified the Court that the Subject had been unwell and incapacitated. A marriage certificate was annexed as proof of marriage.
3. The Applicant, together with the subject's wife, stated that the intention of seeking guardianship is to act in the subject's best interests. Consents were provided by the subject's other children for the Applicant's appointment as guardian and manager.



4. Treatment notes from MP Shah Hospital were placed before the Court and duly received as evidence. The documents verify that the Subject was frequently hospitalized and experienced neurological deficits that hinder his ability to function independently without assistance.
5. The Subject was presented before the Court via the Teams Platform. He is an elderly man, and exhibited signs of being unwell. He was in the company of his wife, and other medical teams reported to be supporting him, including a speech therapist, a nurse aid and a respiratory therapist.

Issues:

6. The Court has considered the application and the evidence on record. The issue for determination before this Court are as follows:
 - i. Whether the Applicant should be appointed guardian and manager of the estate of the subject as prayed.

Analysis:

7. The Applicant seeks to be appointed as guardian and manager of the affairs and estate of MDK, as owing to his condition, he can no longer manage his affairs and those of his estate.
8. The Court has noted the evidence and medical documentation presented in the Petition and observed the subject during the examination in Court. The Court is satisfied on the evidence presented that the subject is unable to manage his affairs and those of his estate.
9. The Applicant emphasized that the matter was urgent, noting that funds were urgently needed for the ongoing treatment.
10. They informed the Court that they have reason to believe that the bank accounts they are seeking to access hold funds that can be used to meet the Subject's medical costs.
11. In re Application on Behalf of Peter Ng'ang'a Muturi (Petition E072 of 2024) [2024] KEHC 10407 (KLR) (Family) (23 August 2024) (Judgment) Riechi, J. held: "This court has power to appoint guardian and managers of the estate while the court has discretion as to who to appoint. The criteria for selection is based on proximity of the applicant to the subject."
12. The Court is satisfied of the close relation of the Applicant to the subject as his daughter, and that the prayers sought in this application are deserved and should be granted.

Orders:

13. Accordingly, for the reasons set out above, the application dated 01st April, 2026 is allowed in the following terms;
 - a. The Court appoints the Applicant, Mumbi Sonia Kagombe as the guardian and manager in respect of MDK and grants her care and management of the subject and his estate.
 - b. As manager of the estate of the Subject, she shall have powers to run his affairs, including but not limited to operating his bank account, Family Bank, Kenyatta Avenue Branch, Account Number 0XXXXXXXXX39 and his investment portfolios, as well as executing legally binding instruments on his behalf.
 - c. All funds or assets due to his estate shall be used solely for the benefit of the Subject.
 - d. The Applicant shall not sell any asset of the Subject without prior approval from the Court.



- e. The Applicant shall render semi-annually an account of dealings therewith to the Court, being a full and accurate account of the dealings with the estate of the subject herein for further orders, as may be appropriate.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS
ONLINE PLATFORM ON THIS 14TH DAY OF APRIL, 2026.**

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

