



REPUBLIC OF KENYA



**SWW (Miscellaneous Application E002 of 2026)  
[2026] KEHC 5296 (KLR) (23 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 5296 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
MISCELLANEOUS APPLICATION E002 OF 2026**

**DKN MAGARE, J**

**APRIL 23, 2026**

**IN THE MATTER OF**

**SWW ..... APPLICANT**

**RULING**

1. The application dated 23.1.2026 seeks the following orders:
  - a. That this Honourable Court be pleased to appoint the Applicant, Sella Wanjiku Wambugu as the guardian for the estate of Esther Mirigo Wambugu, a person with mental disability.
  - b. That the costs of this application be in the cause.
2. The main ground is that the subject has been suffering from serious memory loss and disorientation for well over 3 years.
3. The Applicant states that the subject is her mother and has suffered serious memory loss and disorientation for well over 3 years and was unable to cater for her own affairs as noted in paragraphs 4 and 6 of the affidavit in support. The subject was brought to court, had no sense of her surroundings, and did not understand where she was.
4. I have perused the medical evidence from Dr. Jean-Claude M and I am satisfied that the subject cannot manage her own affairs. The Applicant also testified in Court and confirmed the state of affairs of the subject who is her mother. She is also the administrator of the estate of her deceased father pursuant to the Grant produced in court. I therefore allow the application as follows:
  - a. A declaration be and is hereby issued to the effect that Esther Mirigo Wambugu is a patient and a person suffering from mental disorder within the meaning of Section 2 of the [Mental Health Act](#), Cap 248 Laws of Kenya.



- b. An order be and is hereby issued that the Applicant Sella Wanjiku Wambugu has full custody and management over Esther Mirigo Wambugu and her estate as provided under Sections 26, 27 and 28 of the *Mental Health Act* Cap. 248 Laws of Kenya.
- c. An order is hereby issued that the Applicant Sella Wanjiku Wambugu, while acting as Guardian and Manager over the subject herein and her estate, shall exercise and is granted special powers as may become necessary to sue and/or defend a suit for and against the estate of the Subject herein.
- d. Nevertheless, whereas the Guardian and Manager has a right to collect the estate of the subject, she shall not sell or alienate any of the subject's parcel of land. Any disposal shall be null and void.
- e. No order as to costs.
- f. File is closed.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 23<sup>RD</sup> DAY OF APRIL, 2026.**

**Ruling delivered through the Microsoft Teams online platform.**

**KIZITO MAGARE**

**JUDGE**

In the presence of: -

Mr. Ng'ang'a for the Applicant

Court Assistant – Michael/Martin

**M. D. KIZITO, J.**

