



**In re VKC (Subject) (Miscellaneous Application E254 of 2024)
[2025] KEHC 2261 (KLR) (Civ) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 2261 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CIVIL
MISCELLANEOUS APPLICATION E254 OF 2024
SN RIECHI, J
FEBRUARY 27, 2025**

IN THE MATTER OF

WNM PETITIONER

JUDGMENT

1. The Petitioner WNM has filed an application dated 18th November 2024 seeking orders;
 1. Spent
 2. Pending hearing and determination of this suit, this Honourable Court be pleased to appoint the Applicant, WNM, as the legal guardian of VKC, with full parental responsibilities and legal obligations beyond her 18th Birthday.
 3. This Honourable Court be pleased to appoint the Applicant, WNM, as the legal guardian of VKC, with full parental responsibilities and legal obligations beyond her 18th Birthday.
 4. The Applicant be granted all necessary powers and duties of guardianship as prescribed by law, including but not limited to making decisions relating to VKC's education, health, and general welfare.
 5. This Honourable Court be pleased to make such other and/or further orders as it may deem fit and expedient.
2. The application is premised on the grounds on face of it and the supporting.
3. The application is further supported by an affidavit of the applicant sworn on even date. The applicant briefly stated, the subject, VKC, is an orphan and has no parents. Her biological parents, Mr. CM and Mrs. DKC, are both deceased.



4. The applicant deponed that her father, Mr. CM, passed away on 13th December 2011, and her mother, Mrs. DKC, passed away on 24th January 2015 as evidenced by copies of the subject's parents Death Certificates.
5. The applicant averred that since 14th February 2019, he has taken up the primary responsibility of caring for her , basic needs, education, healthcare, and general welfare. During this entire period, the subject, VKC has been residing at applicant's home under her care.
6. The applicant deponed she ensures that VKC has access to quality education, and she is currently enrolled at Riara University within Nairobi City County, pursuing a Diploma in International Relations. The applicant deponed further that she takes care of her university tuition fees and other related school expenses. She referred to attached copy of her admission letter from Riara University and Fees Payment Receipt.
7. The applicant further averred that she ensured that the subject, VKC, has access to and receives necessary medical care and emotional support, ensuring her holistic development and wellbeing.
8. The applicant averred that she has financial means and emotional capacity to continue supporting and providing for VK. I have a stable income to ensure all the basic needs of the subject are met.
9. The applicant stated she intend to ensure that the subject, VKC, continues with her university education to the very end and she want to be able to continue providing for her past 18 years. The guardianship order will enable her to ensure she receives all the benefits of me being her parent, without any restrictions known in law or factually.
10. The applicant stated that it is in the best interest of VKC for this Honourable Court to appoint her as her legal guardian, with full authority to make decisions regarding her health, education, religion, and welfare especially considering she is now past 18 years but still under applicant's full care and control in almost all aspects of her life.
11. The applicant stated the subject, VKC, and her siblings have expressed their, unwavering consent and willingness for her to continue residing under her full care and have provided their consent for my appointment as guardian past 18 years. The applicant attached to the application a copy of the consent affidavit signed by VKC and letter of consent from her 2 brothers.
12. The applicant deponed that he is morally fit and upright person to assume the responsibilities of legal guardianship and she undertake to act in the best interest of VKC in all matters concerning her welfare and future way past her 18 years.
13. The applicant stated that she is aware of the consequences of the appointment and agree to abide by the appointment as guardian and to take the full responsibility of the subject as per the Guardian order.
14. The applicant deponed that she is due for work posting out of the Country for a period of 4 years and seek that this Court grants her the Guardianship orders sought so that the subject's tertiary education or any of her needs are not affected when applicant is away on the work posting.
15. The applicant stated unless she is granted guardianship of the subject, it would be impossible for her to arrange for the subject's Visa, accommodation, education, health and travel passes as well as enlisting her as a beneficiary of the benefits that come with my work posting for the period that I will be posted abroad or thereafter.
16. The powers of the court to appoint a guardian are provided under section 105 of the act/2001/8 [Children Act](#) to the effect that on the application of any individual, where the child's parents are no



longer living and the child has no guardian nor other person having parental responsibility for him the court may appoint a guardian.

17. The applicant herein has stated the subject's parents are deceased. The applicant in support attached a copies of the biological parents death certificates. The circumstances of this case viewed against the grounds in support of the application are suitable enough for a guardianship order being made in favour of the Applicant.
18. For the above reasons, the application dated 18th November 2024 is allowed as follows;
 1. The Applicant, WNM is hereby appointed as the legal guardian of VKC, with full parental responsibilities and legal obligations beyond her 18th Birthday.
 2. The Applicant is hereby granted all necessary powers and duties of guardianship as prescribed by law, including but not limited to making decisions relating to VKC's education, health, and general welfare.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 27TH DAY OF FEBRUARY 2025

.....

S N RIECHI

JUDGE

