



In re SSS (A Person Declared to be Suffering from Mental Disorder) (Miscellaneous Application E230 of 2024) [2025] KEHC 3514 (KLR) (Civ) (24 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3514 (KLR)

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

CIVIL

MISCELLANEOUS APPLICATION E230 OF 2024

H NAMISI, J

MARCH 24, 2025

IN THE MATTER OF

SKS APPLICANT

RULING

1. Before the Court is Notice of Motion dated 6 February 2025 seeking the following orders:
 - i. (spent)
 - ii. (spent)
 - iii. The Court do issue an order authorizing SKS, as the appointed legal guardian and manager over the affairs of the Estate of Sadhana Suresh Sofat, to effect the transfer and fulfil any necessary formalities in respect of the setting up and incorporation of the S Family Trust with SSS and SKS as the settlors of the trust and SSS and SKS, their children, grandchildren and lineal descendants as the beneficiaries under the trust;
 - iv. The Court do issue an order authorizing SKS, as the appointed legal guardian and manager over the affairs of the Estate of Sadhana Suresh Sofat, to effect the transfer of the shares held by SSS:
 - a. in Ingle Limited, S Investments Limited, S Limited to S Investments Limited;
 - b. in S Investments Limited to Ved Nivas Limited; and
 - c. in Ved Nivas Limited to the S Family Trust, once it is incorporated.
 - v. The Court do issue an order authorizing SKS, as the appointed legal guardian and manager over the affairs of the Estate of SSS, to effect the transfer of various properties in which Sadhana Suresh Sofathas an interest under various transactions as particularised below:



- a. Title. No. Nairobi/Block 1 6X/XXXX (previously Land Reference Number 20X/XXX) jointly held by SSS and SKS into Ingle Limited which whose ultimate beneficial ownership will be held under the S Family Trust.
 - b. Title. No. IR 67XXX Land Reference Number 20X/XXXX jointly held by SSS and SKS(for which a title conversion process is in progress) into Ingle Limited whose ultimate beneficial ownership will be held under the S Family Trust.
 - c. Title. No. Nairobi Block 9/XXX (formerly Land Reference Number 21X/XXX) held by SSS into S Investments Limited whose ultimate beneficial ownership will be held under the S Family Trust.
- vi. The Court Order granted for the properties and transactions described in prayer 5 above do apply to the titles as presently described or to the new respective title numbers issued once their conversion process is complete.
 - vii. Suresh Kumar Sofat,as the appointed legal guardian and manager over the affairs of the Estate of Sadhana Suresh Sofat,be authorised to effect the transfer and fulfil any necessary formalities in respect of the properties and the transactions described under prayer 3, 4 and 5 above.
 - viii. The costs of this Application be provided for.
2. The Application is supported by three (3) Affidavits sworn by the Applicant, AS and AS and premised on the following grounds:
- a. By a judgment/decree delivered on 28th November 2024, SSS was declared a person suffering from a mental health disorder pursuant to the [Mental Health Act](#), Cap 248 Laws of Kenya.
 - b. Pursuant to the judgment/decree, SKS was declared as the legal guardian of and manager over the affairs of the Estate of Sadhana Suresh Sofat.
 - c. Prior to her illness, Sadhana Suresh Sofat and her husband Suresh Kumar Sofat had been attending to the reorganisation of their family affairs, through the setup of a family trust for the ultimate benefit of themselves, their two sons, grandchildren and all other lineal descendants (the "Sofat Incorporated Family Trust Structure")
 - d. The Sofat Incorporated Family Trust structure involves the re-organisation of shares in various companies and interests in properties held by Suresh Kumar Sofat and/or Sadhana Suresh Sofat, either directly or indirectly into an incorporated family trust (the "Sofat Family Trust").
 - e. It would be in the best interest and for the preservation of SSS's Estate if SKS is allowed to (i) set up the S Family Trust; (ii) transfer shares in the following companies: S Investments Limited, S Limited, Ingle Limited, S Investments Limited and Ved Nivas Limited; and (iii) transfer the properties known as Title. No. Nairobi/Block 1 6X/XXX (previously Land Reference Number 2X/XXX), Title. No. IR 67XXX Land Reference Number 20X/XXXX into Ingle Limited and Title. No. Nairobi Block 9/XXX(formerly Land Reference Number 214/XXX) into Simchu Investments Limited, as had been intended under the succession planning structure that SKS and SSS had envisaged;
 - f. The application is not in any way contentious and is intended simply to effect the wishes of SSS for the benefit of her and SKS's beneficiaries;
 - g. It would be in the best interest and preservation of SSS's Estate if this Application to be heard and orders issued on an urgent basis.



3. The Applicant/Legal Guardian avers that he and the Subject are jointly registered as owners of various properties. Further, the Subject is the registered owner of parcel of land Nairobi Block 9/XXX. Prior to the Subject's illness, it was the intention of the Applicant and the Subject to set up a family trust, which would incorporate various companies. The Applicant provided details of his and the Subject's shareholding in five companies, which would eventually be held under the Trust. Consequently, the Applicant has presented this Application, seeking leave and authority to be able to transfer the individually and jointly owned assets, properties and shares into the family Trust as set out in the Affidavit.
4. I have keenly read the Affidavits sworn in support of the Application. I am satisfied that the proposed transfers and incorporation of a family Trust will be in the best interest of the Subject and will not be detrimental to her. In the circumstances, I grant the orders sought in the Application. There will be no order as to costs.

DATED AND DELIVERED AT NAIROBI THIS 24 DAY OF MARCH 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

Ms. Gathimba h/b Kuyo.....for the Applicant

Libertine AchiengCourt Assistant

