



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re CAA (A Person Suffering from Mental Disorder) (Petition E010 of 2025) [2025] KEHC 7287 (KLR) (30 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 7287 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
PETITION E010 OF 2025**

**A MABEYA, J**

**MAY 30, 2025**

**IN THE MATTER OF AN APPLICATION BY NOO TO BE APPOINTED GUARDIAN  
OVER THE AFFAIRS OF CAA AND ADMINISTRATOR OF HER ESTATE  
IN THE MATTER OF GUARDIANSHIP OF SUBJECT – CAA**

**IN THE MATTER OF**

**NOO ..... PETITIONER**

**JUDGMENT**

1. CAA ('the Subject') aged 64 years is the wife of NOO ('the Petitioner'). On 4/9/1999, the Subject was married to the petitioner and they have lived together since then.
2. However, on 2/9/2020, the Subject suffered psychosis, hypertension and cerebral vascular accident (stroke). It physically and mentally affected her. She was admitted to the Vihiga County Referral Hospital for 21 days. A Mental Assessment Report dated 21/5/2025 from Kisumu County Referral Hospital show that the Subject has poor judgment, impaired memory, lacks attention and concentration. The said report concludes that she suffers from Neurocognitive Disorder (Dementia).
3. On 9/5/2025, the Petitioner took out a Petition under sections 26 and 27 of the *Mental Health Act* and sought that the Subject be declared a person suffering from mental disorder. He also sought to be appointed as the Guardian of the Subject and therefore her Manager.
4. On 27/5/2025, he appeared in Court and testified on oath. He confirmed the contents of his Petition as narrated above. He produced medical records from Vihiga Referral Hospital Report and the aforesaid Medical Report in support of his contestations.
5. The Court has carefully considered the statements in the Petition. It has also considered the testimony of the Petitioner as corroborated by the documentary evidence that she produced.



6. Section 2 of the *Mental Health Act*, Cap 248 defines a person suffering from mental disorders as: -

“... a person who has been found to be suffering under this Act and includes a person diagnosed as a psychopathic person with mental illness and person suffering from mental impairment due to alcohol or substance abuse.”

7. Section 26 of the said Act provides for the orders that this Court can make upon being satisfied that a person is suffering from mental disorder. It provides for the management of his estate and guardianship. Sub-section 3 thereof provides: -

“Whereupon inquiry it is found that the person to whom the inquiry relates is suffering from mental disorder to such an extent as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others or likely to act in a manner offensive to public decency, the Court may make such orders as it may think fit for the management of the estate of such person, including proper provision for his maintenance and for the maintenance of such members of his family as are dependent upon him for maintenance, but need not, in such case, make any order as to the custody of the person suffering from mental disorder.”

8. In the present case, I have considered the Mental Assessment Report dated 21/5/2025. I have also considered the testimony of the Petitioner. I am satisfied that the Subject suffers from mental disorder. That it is fair and just that his affairs be managed by a Guardian.

9. Accordingly, I allow the Petition and grant prayer Nos. 1 to 3 thereof. No order as to costs.

It is so decreed.

**DATED AND DELIVERED AT KISUMU THIS 30<sup>TH</sup> DAY OF MAY, 2025.**

**A. MABEYA, FCI Arb**

**JUDGE**

