



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re GKM (Miscellaneous Application E185 of 2023)  
[2025] KEHC 7100 (KLR) (Family) (29 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7100 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
MISCELLANEOUS APPLICATION E185 OF 2023  
PM NYAUNDI, J  
MAY 29, 2025  
IN THE MATTER OF GKM  
AND  
MENTAL HEALTH ACT CAP 248 LAWS OF KENYA  
AND  
IN THE MATTER OF THE RIGHTS OF OLDER MEMBERS  
OF SOCIETY UNDER ARTICLE 57 OF THE CONSTITUTION**

**RULING**

1. By Judgment dated 18<sup>th</sup> January 2024, the Court appointed BNK, SWK AND VWM as guardians and managers of the Estate of the subject herein.
2. It is now alleged that the Respondent herein, BNK is wasting the estate and therefore his appointment should be revoked.
3. Notwithstanding that the Court directed that the parties file submissions, at the time of writing this ruling none of the parties had filed their submissions.
4. In considering this application I am mindful of the mandate of this Court. It is limited to considering an application presented under the [Mental Health Act](#) and if satisfied make orders for the guardianship of the Subject and the management of his/ her affairs.
5. On delivery of judgment the Court is functus officio, so that whereas now there are disputes on the management of the Estate, the proper forum would be the Court that has the mandate to challenge the validity of the sale of land, the transfer of shares from the Company and the withdrawal of money from bank account. That does not lie with this Court. The Co Guardians (Applicants) as Guardians and



Manager of the Estate of the deceased have the wherewithal to challenge the actions of the Respondent herein but before a Court of competent jurisdiction.

6. Once it is established that the respondent has acted contrary to the mandate conferred on him, this Court will proceed to revoke that appointment.
7. Accordingly, the application is struck out for want of jurisdiction.
8. There shall be no order as to costs.

It is so ordered

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 29TH DAY OF MAY 2025.**

**P M NYAUNDI**

**HIGH COURT JUDGE**

In the presence of

No appearance by parties

Fardosa Court Assistant

