



**In re SDO (Subject) (Petition 12 of 2020) [2024] KEHC 603 (KLR) (31 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 603 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
PETITION 12 OF 2020  
RE ABURILI, J  
JANUARY 31, 2024**

**IN THE MATTER OF SECTION 26, 27, 28(1) AND 28(2) OF  
THE MENTAL HEALTH ACT CAP 248 LAW OF KENYA**

**AND**

**IN THE MATTER OF ORDER 32 RULE 15 OF THE CIVIL PROCEDURE RULES 2010**

**BETWEEN**

**IN THE MATTER OF SDO (SDO) (A PERSON  
SUFFERING FROM MENTAL DISORDER)**

**AND**

**IN THE MATTER OF AN APPLICATION BY BEATRICE AO(BAO) TO BE APPOINTED  
GUARDIAN OVER THE AFFAIRS AND MANAGER OF THE ESTATE OF THE S (SDO)**

**IN THE MATTER OF**

**BAO ..... PETITIONER**

**RULING**

1. This petition under the [Mental Health Act](#) was filed on July 23, 2020 and on December 9, 2020, the court granted the orders sought in the petition as applied for.
2. Ordinarily, the file ought to have been closed as no other proceedings are pending.
3. Instead, the parties attempted to fix the petition for hearing in 2022 on June 14, 2022 and September 6, 2022 but the ‘hearing’ has never taken off.
4. As the petitioners have not shown any interest to have the main petition ‘concluded’ since 2022, and were served for today on December 11, 2023 for dismissal of the petition for want of prosecution but are absent, this petition dated 21<sup>st</sup> July 2020 is hereby dismissed for want of prosecution with no orders as to costs.



5. File closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 31<sup>ST</sup> DAY OF JANUARY, 2024**

**R. E. ABURILI**

**JUDGE**

