



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

MISCELLANEOUS APPLICATION NO. 157 OF 2018

ON THE MATTER OF ASNO

AND

IN THE MATTER OF MENTAL HEALTH ACT (CAP 248) LAWS OF KENYA

SSO.....PETITIONER

RULING

1. The Petitioner herein SSO has filed this Petition dated 6.11.2018 seeking the following orders.

(i) THAT ASNO be declared to be suffering from mental disorders as defined under the Mental Health Act (Cap 248) Laws of Kenya.

(ii) THAT the Petitioner, SSO be appointed as manager of the Estate of the said ASNO with power to manage and control the Barclays Bank Account No. xxxxxxxx, Queensway Branch, the 320 Barclays Bank ordinary Shares and to administer, control and protect Land Parcel No. KWALE/DIANI /xxx.

(iii) THAT The Petitioner be appointed guardian of the Petitioner, ASNO.

(iv) THAT the Costs of this Application be borne by the Estate of the said ASNO.

2. The Petition is supported by the Affidavit of the Petitioner in which she has deposed as follows:

(i) THAT the ward who is her mother is now a person who suffers from mental disorder as certified by Doctor Frank Njenga.

(ii) THAT she is the second born in a family of four, two boys and two girls and one sister has since passed on.

(iii) THAT their father passed on when they were still young children.

(iv) THAT she has been involved in managing and catering for the ward and she relocated from the United Kingdom where she used to reside to return home to take care of their mother.

(v) THAT she is the only surviving daughter and the two brothers have consented to her appointment as guardian and manager to the Estate of the mother.

3. I have considered the Petition filed herein together with the Supporting Affidavits and annexures. My findings are as follows:

(i) THAT the Mental Health Act provides for management and care of persons who are suffering from Mental disorder.

(ii) I find that the Petitioner has obtained the consent of the other siblings in filing this Petition.

(iii) The Report of the Doctor is sufficient to warrant this Court to grant the orders sought.

(iv) I allow the Petition dated 6.11.2018 in the following terms:

(a) THAT ASNO is declared to be suffering from a mental disorder as defined by the Mental Health Act (Cap 248) Laws of Kenya.

(b) THAT SSO be and is hereby appointed manager of the Estate of the said ASNO.

(c) THAT the Petitioner be and is hereby appointed Guardian of the Patient ASNO

(d) THAT the Costs of this Application be born by the Estate of ASNO

Orders to issue accordingly.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 1ST FEBRUARY, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI



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