



**In re JKS (Minor) (Adoption Cause E001 of 2023)
[2023] KEHC 18443 (KLR) (31 May 2023) (Judgment)**

Neutral citation: [2023] KEHC 18443 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
ADOPTION CAUSE E001 OF 2023
PN GICHOHI & PN GICHOHI, JJ
MAY 31, 2023**

IN THE MATTER OF

**H.K.S 1ST APPLICANT
HKS 2ND APPLICANT
J.S.O 3RD APPLICANT
JSO 4TH APPLICANT**

JUDGMENT

1. The 1st and 2nd applicants (HKS and JSO) herein are husband and wife. By Originating Summons together with Chamber Summons dated February 10, 2023 and filed through the firm of M.W.Magara Advocates , they seek to adopt the minor JKS aged 15 years in their capacity as grandparents of the minor. They also seek that JM and MM be appointed as guardians ad litem to minor JKS for purposes of adoption proceedings. That the biological mother of JKS died during child birth. The application is supported by joint affidavit of Applicants and annexures thereto.
2. When parties and the children appeared before this court, H.K.S informed the court that her first born child G.M died on September 29, 2007 soon after giving birth to JKS on July 7, 2007. G.M was 14 years at the time and since the 1st applicant gave birth to their son V.N around the same time, she breastfed JKS and V.N together, and also brought them up together. JKS grew up knowing that the applicants were his biological parents and that he was a twin to VN. They attend the same school and class and wear identical clothes. People know him as the applicants' child.
3. When JKS was in class 8 and time came for him to register for exams, he required a birth certificate but the applicants did not have it. The applicants realised that JKS would suffer should they die. The applicants therefore want the child to bear their names so that he can get all the benefits that their biological children have.



4. All the biological children of the applicants were in court and so was JKS, and they truly love JKS and the children grew up together knowing him as their brother. They intimated that nothing has changed despite this revelation. JKS told the court that he was shocked when he learnt that he was not a biological brother to VN yet he grew up knowing he was his twin. They were wearing identical attire and shoes in court and they are very close. They go to school together.
5. The children were all in agreement with the applicants and stated that nothing will separate them or change the way they have been living.
6. All documents in regard to this process of adoption are in order and properly done. This being a kinsman adoption and this child having been declared free for adoption, it is in the best interest of this child that he continues living in the warmth and love of the applicants and their children. I therefore allow the application in the following terms;
 1. The applicants HKS and JSO are hereby authorised to adopt JKS.
 2. The Guardians Ad litem are hereby discharged .
 3. The Registrar General be and is hereby directed to make the appropriate entries in the Adopted Children's Register.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT KISII THIS 31ST DAY OF MAY, 2023

PATRICIA GICHOHI

JUDGE

In the presence of:

Mr. Magara for the Applicants

HKS and JSO Applicants

Kevin Isindu, Court Assistant

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