



**RMO v Registration of Births and Deaths & 2 others (Miscellaneous Cause E027 of 2022) [2022] KEHC 429 (KLR) (Family) (26 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 429 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
MISCELLANEOUS CAUSE E027 OF 2022  
AO MUCHELULE, J  
MAY 26, 2022  
IN THE MATTER OF THE CHILDREN ACT, NO. 8 OF  
THE LAWS OF KENYA  
AND  
IN THE MATTER OF INSERTION/ADDITION OF  
PARTICULARS IN THE BIRTH CERTIFICATE OF NC  
MINOR)  
AND  
IN THE MATTER OF REGISTRATION OF BIRTHS  
AND DEATH DEPARTMENT OF CIVIL  
REGISTRATION, NAIROBI**

**BETWEEN**

**RMO ..... APPLICANT**

**AND**

**REGISTRATION OF BIRTHS AND DEATHS ..... 1<sup>ST</sup> RESPONDENT**

**DEPARTMENT OF CIVIL REGISTRATION ..... 2<sup>ND</sup> RESPONDENT**

**ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**



## RULING

1. It is not in dispute that the minor NC was born on 26<sup>th</sup> May 2012 at the Kenyatta National Hospital. Its mother CCK died on 20<sup>th</sup> May 2014. The father RMO (the applicant) is therefore the only surviving parent. The issue of paternity was dealt with following DNA analysis by KEMRI whose results have been annexed as “RMD1”. The child was left with the grandparents, but following the applicant’s Children Cause No 932 of 2018 at the Children Court at Nairobi against them, the court granted the applicant legal and actual custody. He was ordered to take over full parental responsibility over the child, including its education. The grandparents were given access to the child.
2. The present originating summons by the applicant sought an order directing the Registrar of Births and Deaths and Department of Civil Registration (the 1<sup>st</sup> and 2<sup>nd</sup> respondents) to add his name in the child’s birth certificate as the father. At the time of the birth of the child only its mother’s name had been indicated.
3. I directed that the summons be served on the respondents and also on the Attorney General (3<sup>rd</sup> respondent) which was done. There was no response from them.
4. I consider that it is in the best interest of the child (under Article 53(2) of *the Constitution* and section 4(2) and (3) of the *Children Act*) to have the name of its father included in her birth certificate. She has a right to identify with the father.
5. Consequently, I allow the application and direct the Principal Registrar of Births and Deaths to correct the particulars in the child’s birth certificate by including the name of the applicant as the father of the child.
6. I make no order as to costs.

**DATED AND DELIVERED AT NAIROBI THIS 26<sup>TH</sup> DAY OF MAY 2022**

**A.O. MUCHELULE**

**JUDGE**

