



**MKK & 2 others (Administrators of the Estate of the Late PAW Deceased) v
Registrar General, Office of the Attorney General & 2 others (Miscellaneous Civil
Application E007 of 2022) [2022] KEHC 11007 (KLR) (23 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 11007 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CIVIL APPLICATION E007 OF 2022
HK CHEMITEI, J
JUNE 23, 2022**

BETWEEN

**MKK 1ST APPLICANT
ANK 2ND APPLICANT
AWK 3RD APPLICANT
ADMINISTRATORS OF THE ESTATE OF THE LATE PAW DECEASED**

AND

**REGISTRAR GENERAL, OFFICE OF THE ATTORNEY
GENERAL 1ST RESPONDENT
DIRECTOR GENERAL, DIRECTORATE OF IMMIGRATION
SERVICES 2ND RESPONDENT
CABINET SECRETARY MINISTRY OF FOREIGN AFFAIRS 3RD RESPONDENT**

RULING

1. In their notice of motion dated February 14, 2022 the applicants pray for orders that;
 - a. The 1,2, and 3rd respondents do avail before this court and supply to the applicants with paternity records both biological and adoption of CWK of Kenyan identity card No xxxxxxxx and BKK of Kenyan identity card No xxxxxxxx if any.
 - b. There be stay of proceedings in Nakuru cmcc succession cause No E47 of 2021 pending compliance with (a) above.
2. The application is supported by the sworn affidavit of Mathew Kamau Kamanu sworn on the even date. The application was not opposed by the respondent's despite being served.



3. The gist of the matter here is that the late PAW hereby referred to the deceased died on September 25, 2018 and was the biological brother of the applicants.
4. CWK and BKK according to the applicants claim to be the biological children of the deceased and one TN their mother. The two have since been adopted to a German citizen one K although they do not have the full details. Their mother was married to the said K and therefore they are his step children.
5. The genesis therefore of this matter is the succession dispute namely No E47 of 2021 in respect to the deceased estate now pending at the lower court. The said children have objected to the same and in their view they are not the beneficiaries of the estate having been adopted.
6. They sought details of their paternity from the respondents to no avail. The respondents demanded for a court order so that they could comply.
7. The court issued a temporary order stopping the proceedings at the lower court and directed that the respondents be served. When the matter came up for interpartes hearing the applicants filed an affidavit of service which indicated that the respondents had been served.
8. Essentially therefore there was no objection to the application. The court has however read the application, the attached annexures and the supporting affidavit.
9. It appears clearly that the question is whether the two are the deceased children or they were adopted by the said K. They have however not been included as parties in the application. Neither has their mother been made a party.
10. In my considered view, though the issues are clear and of course weighty, there was need for the said persons to be enjoined in the application. It would be against the tenets of natural justice to have their records released by the respondents to this court without their input and or knowledge. Actually it will be intruding in their privacy which is jealously guarded by our progressive *Constitution*.
11. In the premises, and for the above reasons the application is disallowed the temporary orders earlier issued are vacated. Costs in the cause.

DATED SIGNED AND DELIVERED AT NAKURU VIA VIDEO LINK THIS 23RD DAY OF JUNE 2022.

H K CHEMITEI.

JUDGE

