



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re of LMM (Adoption Cause E001 of 2022)  
[2022] KEHC 12608 (KLR) (28 July 2022) (Judgment)**

Neutral citation: [2022] KEHC 12608 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAHURURU  
ADOPTION CAUSE E001 OF 2022  
CM KARIUKI, J  
JULY 28, 2022  
IN THE MATTER OF ADOPTION OF HB AKA PWM (MINOR)**

**IN THE MATTER OF**

**LMM ..... APPLICANT**

**JUDGMENT**

1. The Applicant in the instant Originating Summons moved Court via the same pleading seeking prayers that:
  - (i) That the consent of the biological parents of the minor herein be dispensed with since the child was found abandoned and efforts to trace the parents have since proved futile.
  - (ii) That the applicant herein be authorized to adopt the said child and the child be henceforth called PWM
  - (iii) That the child be presumed to be a Kenya Citizen having been found in Kenya at the time of birth.
  - (iv) That the Registrar-General do make the appropriate entries in the adopt children's register in respect of the minor and further the Registrar of Births and Deaths do issue a Birth certificate in respect thereof.
  - (v) That the Guardian ad litem JWK be discharged and MWM be appointed as the legal guardian of the minor herein in the event that the applicant herein is in anyway incapacitated or in any way unable to discharge her parental obligations.
  - (vi) That the court does issue such other orders as may be necessary in the best interest of the child.
2. The Originating Summons the same is supported on grounds stated in it.
  - (a) That the applicant is ready and willing to assume full parental responsibility of the minor.



- (b) That the applicant has raised the child since she was 1 year 3 months old.
- (c) That the applicant has bonded well with the child.
- 3. The application is also supported by Affidavit of LMM sworn on May 5, 2022 and especially paragraph 2-10 of her affidavit.
- 4. The Applicant and guardian also testified briefly on the content of the affidavit filed herein.
- 5. After going through the Originating Summons, the Supporting Affidavit and all requisite reports on record, I find the application is merited and thus grant the orders as follows:
  - a. That the consent of the biological parents of the minor herein be and is hereby dispensed with since the child was found abandoned and efforts to trace the parents have since proved futile.
  - b. That the applicant herein be and is hereby authorized to adopt the said child and the child be henceforth called PWM
  - c. That the child be and is hereby presumed to be a Kenya Citizen having been found in Kenya at the time of birth.
  - d. That the Registrar-General do make the appropriate entries in the adopt children's register in respect of the minor and further the Registrar of Births and Deaths do issue a Birth certificate in respect thereof.
  - e. That the Guardian ad litem JWK be and is hereby discharged and MWM is to be appointed as the legal guardian of the minor herein in the event that the applicant herein is in any way incapacitated or in any way unable to discharge her parental obligations.

**DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 28<sup>TH</sup> DAY OF JULY, 2022.**

**CHARLES KARIUKI**

**JUDGE**

