



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 47 OF 2017

IN THE MATTER OF BABY BW A.K.A. IWM

JMW)

CMN).....APPLICANTS

RULING

1. The application before court is dated 23/1/2019. The prayers sought are;

1. THAT the application herein be certified urgent at first instance.

2. THAT the court be pleased to review and amend its order issued on 29th November, 2018 to have the place of birth of the minor read Nakuru County.

3. THAT the entries made on the Certificate of Entry of Adoption and Birth Certificate be rectified to have the place of birth as Nakuru County.

4. THAT costs of this application be in the cause.

2. The application is premised on eight (8) grounds namely;

a) THAT the minor needs the birth certificate to use in school.

b) THAT the adoption order was issued by this Honourable Court on the 29th November, 2018 indicating that the place of birth was unknown.

c) THAT the documents in support of the adoption application show that the minor was born in Nakuru.

d) THAT another error was made while issuing the birth certificate indicating that the minor was born in Kakamega County contrary to the order issued on 29th October, 2018.

e) THAT error apparent on the face of the record needs to be corrected to read that the minor was born in Nakuru.

f) THAT the adoption certificate and birth certificate stated that the minor was born in an unknown place and Kakamega County Hospital respectively and both documents need amendment.

g) THAT it is in the interest of justice that this Honourable Court grants the orders sought.

3. I have considered the application, the affidavit evidence and the brief oral submissions by counsel. I have had regard to the record herein.

4. It is clear from the record and the documentation herein that the child was found abandoned in Nakuru and the matter was recorded vide occurrence book number [Particulars withheld].

5. It is therefore in error to state that the child was born at unknown place or that the child was born at Kakamega.

6. In view of the above, it is necessary that the correct details entered in the child's birth certificate and in the certificate of entry in the adopted children register.

7. The application dated 23/1/2019 is meritable. The same is allowed in terms of prayer 2 and 3. Costs be in the cause.

Dated and Delivered at Nakuru this 30th day of January, 2019.

A. K. NDUNG'U

JUDGE