

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

MISCELLANEOUS APPLICATION NO. 90 OF 2019

IN THE MATTER OF SSS AND NSS

RULING

1. The Applicants SSS and NSS have filed this Notice of Motion dated 28.5.2019 seeking the following prayers:

(i) THAT this Honorable Court do issue an order stating that the Adoption of the Applicants herein that was issued in Mumbai India on 2nd December 1998 and 15th March 2001 be and is hereby recognized in Kenya under the Kenyan Laws.

(ii) THAT this Honorable Court do issue an order stating that the Applicants herein should be accorded all rights as Kenyan Citizens as the applicants herein who are SSS and NSS were adopted by Kenyan parents in 1998 and 2001 respectively and have been living in Kenya since then.

(iii) THAT further to the above, this Honorable Court do issue an order that recognizes the Applicants herein as Kenyan Citizens.

(iv) THAT in addition or as alternative to the above, this Honorable Court do direct the Department of Immigration to issue a Kenyan Identity Card and a Kenyan Passport to the Applicants herein.

(v) THAT the costs of this Application be in the Cause.

2. The Application is supported by the Affidavit of the 1st Applicant of even date in which she has deposed that she is the daughter of SLS and PSS who adopted her through a suit filed in MUMBAI IN 1998.

3. The Applicant also deposed that her parents moved to Kenya when she was about 6 months and she has been living with her parents in Kenya since that time.

4. The Applicant further stated in her affidavit that she recently visited the Immigration Department in Nairobi and she was informed that the Immigration Department does not recognize her documents from Mumbai and she now filed the said document in this Court seeking to have the adoption recognized.

5. However, it is not the Applicants who obtained the orders in Mumbai and it is not clear from the Application why the parents of the applicant cannot move the Court for recognition of the Mumbai adoption documents.

6. I accordingly direct that the Applicants amend the Application herein to substitute the Applicants with their adoptive parents.

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 22ND DAY OF NOVEMBER, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.