

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 4 OF 2006

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY A L J (MINOR)

RULING

1. The application dated 14th July 2017 seeks court's leave to allow the applicants' travel with the minor out of jurisdiction.
2. I have perused the court record herein. This adoption cause has been pending since 2006. It should have been finalised by now. I have noted that Muchelule J. rendered a judgment on 27th November 2014 where he declined to grant the adoption orders on grounds that there were gaps in the matter. Since then nothing substantive has been done to achieve compliance.
3. The applicants have since 2010 been taking the child out of jurisdiction with leave of court. I see that leave was granted on 30th July 2010 and 15th July 2013.
4. However, given the state of affairs that obtain todate, the failure by the applicants to bring this matter to an end through prosecution thereof, I do not think it would be prudent to grant the orders sought. Let the applicants prosecute the main suit. That way it will be unnecessary to keep coming to court for leave to remove the child out of the jurisdiction. I am inclined to hold that there is a sense here that the court process is being abused.
5. I shall accordingly disallow the application dated 14th July 2017. The applicants are advised to put their energies to disposing of the main suit. Orders accordingly.

DATED, SIGNED and DELIVERED at NAIROBI this 31ST DAY OF JULY, 2017.

W. MUSYOKA

JUDGE