

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 42 OF 2016

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY I H

JUDGEMENT

1. The applicants, N K K and N W K, are Kenyan citizens. They are married. They seek to adopt Baby I H. Their Originating Summons is dated 18th March 2016.
2. The child in question was allegedly abandoned at Thika and was found by a Good Samaritan, who then took her to the police. The police referred her to a charity home for care and protection. In the forwarding letter dated 24th February 2011 she was referred to as S. The last police letter dated 30th April 2012 refers to her similarly. The documents by the other agencies refer to her variously as I H or I.
3. The pleadings herein make no reference whatsoever to S, yet this was the name that was given to the child that the police referred to the charity home from where the applicants got her from. The pleadings do not draw out that connection, and therefore there is no knowing that S, I H and I refer to one and the same person.
4. I am not convinced that the rescued child that the police released to the charity home, who they referred to as S, was the same child that was eventually placed with the applicants called I H.
5. I am unable to grant the orders sought and I do hereby dismiss the suit.

DATED, SIGNED and DELIVERED at NAIROBI this 25TH DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE