



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 276 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF D O A**

**RULING**

1. In the judgment I delivered on 20<sup>th</sup> May 2016 I stated that I was unable to grant the orders sought in the Originating Summons dated 11<sup>th</sup> November 2015 until I was satisfied that *particulars withheld* referred to the same person.
2. An affidavit has been lodged here, on 5<sup>th</sup> August 2016, sworn on even date, by the male applicant, A J A O, where he avers that the two names refer to his former wife, now deceased, and that she used the names inter-changeably during the course of the marriage.
3. I note that although the male applicant asserts that as a fact, he has not provided any proof. He has not attached any documents that would attest to that alleged fact. It is not enough for him to state so on oath, he ought to provide proof thereof. If the affidavit in question were to be of the woman in issue the court would be prepared to take the averments on their face value, but it is not.
4. I am not yet satisfied that *particulars withheld* refer to the same person. Consequently, I am not yet persuaded that I should grant the orders sought.

**DATED, SIGNED and DELIVERED at NAIROBI this 9<sup>TH</sup> DAY OF DECEMBER, 2016.**

**W. MUSYOKA**

**JUDGE**