



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO. 84 OF 2008 (O.S.)
IN THE MATTER OF BABY R M (NOW KNOWN AS N M M)
BY
IN THE MATTER OF THE CONSTITUTION OF KENYA ARTICLE 14(4)
AND
S K N.....APPLICANT

R U L I N G

1. The Applicant S K, has brought a chamber summons under **Section 3A** of the **Civil Procedure Act**, the **Constitution of Kenya Article 14(4)** for orders that:

- i. Baby N M M the child subject matter of this cause be presumed to be a Kenyan citizen by birth.
- ii. The Director of Immigration be authorised to issue the child with a Kenya passport.
- iii. The court be pleased to make any further orders it deems necessary.

2. The application is based on grounds that the child was found abandoned in Kenyatta National Hospital in Nairobi. The Applicant who is a Kenyan Citizen filed and obtained adoption orders for the child in 2009. The Ministry of Immigration has directed that the child will only be issued with a Kenyan passport after being declared a Kenyan citizen by birth. At the time the adoption cause was determined the court was not issuing such a declaration because it was not a requirement as is the norm now. It is stated that such declaration will be in the best interest of the child.

3. I have perused the record and note that on 4th December 2009, the Applicant came before Nambuye, J as she then was, seeking orders in terms of prayer 2, 3, 4 and 5 respectively of the Originating Summons dated 17th July 2008 and filed in court on 29th July 2008. The orders sought were as follows:

- i. That the Applicant S K N be authorised to adopt R M (an infant).
- ii. That should the adoption order be given the infant be known as N M M.
- iii. That the consent of the biological parents of the infant be dispensed with.

iv. That the Applicant be at liberty to take the child out of the jurisdiction of this honourable court.

The said orders were granted. In the premise the court is pleased to grant the orders sought in the present application as follows:

- i. That Baby N M M the child subject matter of this cause be presumed to be a Kenyan citizen by birth.
- ii. That the Director of Immigration be authorized to issue the child with a Kenyan passport.

It is so ordered.

SIGNED DATED and DELIVERED in open court this **23rd day of October 2015.**

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L. A. ACHODE

JUDGE