

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

ADOPTION CAUSE NO. 5 OF 2013

IN THE MATTER OF ADOPTION OF **M H** (THE CHILD)

VERSUS

1. PROFESSOR S M M

2. DR. M J MAPPLICANTS

RULING

1. By an application dated 25th May, 2013, **Prof S M M** and **Dr. M J M**, hereinafter “*the applicants*” seek to adopt a child **M H**. **D K M** was appointed as a guardian *ad litem* of the subject child on the 25th September, 2013. The applicants now pray for the appointment of **Captain M M M** and **W M** as legal guardians of the child.
2. I have perused documentary evidence and reports filed in this matter. The child, **M H** was born on 4th July 2006. He was abandoned by his mother within Machakos Township. Having been rescued by a good Samaritan he was committed to the care of Springs of Hope Children’s Centre on the 1st November, 2006. A certificate of declaration of the child being free to be adopted was issued by KKPI Adoption Society on the 27th June, 2012.
3. On the 16th December, 2009 the child was placed in care and control of the applicants herein who have provided him with parental love, care and nurtured him accordingly. The Machakos District Children’s Officer recommended the child being adopted following the strong bond that exists between the child and the foster parents.
4. Having considered all these factors, I find the applicants being a family that can provide basic requirements to the child which is in his best interests. The consent of the biological parents who are unknown is hereby dispensed with.
5. I therefore order as follows:-
 - i. The applicants be and are hereby authorised to adopt the child **M H** who will henceforth be known as **M M H M**.
 - ii. Captain **M M M** and **W M** be and are hereby appointed as the legal guardians of the child.
 - iii. The Registrar General shall make an entry of this adoption in the Adopted Children’s register in the manner prescribed.

DATED, SIGNED and DELIVERED at MACHAKOS this 12TH day of NOVEMBER, 2013.

L.N. MUTENDE

JUDGE