



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**Adoption Cause 3 of 2010**

**W M.....1<sup>ST</sup> APPLICANT**

**M W W.....2<sup>ND</sup> APPLICANT**

**RULING**

By their Originating Summons dated 4<sup>th</sup> January 2010, W M and M W W (hereinafter “the 1<sup>st</sup> and 2<sup>nd</sup> applicants”), sought two orders of the court namely that P W be appointed Guardian ad Litem and that the 1<sup>st</sup> and 2<sup>nd</sup> applicants be authorized to adopt L M (hereinafter “the minor”). In support of the application, the applicants have filed an affidavit sworn by both of them. Annexed to the affidavit are the following documents: A Certificate Declaring the said minor, free for adoption issued by the Child Welfare Society of Kenya, Enquiry Reports and recommendations prepared by the Child Welfare Society of Kenya Mombasa Branch. The reports recommend that the said minor is available for adoption and that his adoption by the 1<sup>st</sup> and 2<sup>nd</sup> applicants will be in the minor’s best interest.

The applicants have themselves deposed that they are married to each other and have no children of their own. They have further deposed that they were given custody of the said minor on 2<sup>nd</sup> August 2008 by the said society and the minor has been continuously in their care to date.

There is also filed with the application, an affidavit sworn by P W in which it is deposed, *inter alia*, that she believes that she is qualified to act as Guardian to the said minor and that her interest is not adverse to that of the minor. In paragraph 4 of the said affidavit, P W deposes that she has consented to act as guardian to the said minor.

Having considered the prayer for the appointment of P W as Guardian ad Litem in respect of the said minor, I am satisfied that she is qualified and fit to be so appointed. Accordingly, P W is hereby appointed as Guardian ad Litem in respect of the Minor L M.

I have also carefully considered the prayer by the 1<sup>st</sup> and 2<sup>nd</sup> applicants and the supporting documents referred to above. Having done so, I have come to the conclusion that the adoption of the minor will be in his best interest. I am satisfied that the applicants have complied with the requirements for the making of an adoption order. Accordingly, the applicants, W M and M W W, are hereby authorized to adopt the minor R M who shall hence forth be known as L M and the particulars of the said minor at the Registrar General’s Office should be changed to reflect this change.

Orders accordingly.

DATED AND DELIVERED AT MOMBASA THIS 20<sup>TH</sup> DAY OF APRIL 2010.

**F. AZANGALALA**  
**JUDGE**

Read in the presence of:-  
Deche for the Applicants.

**F. AZANGALALA**

**JUDGE**

**20<sup>TH</sup> APRIL 2010**