



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**  
**Adoption Cause 102 of 2006**

**IN THE MATTER OF ADOPTION OF NI (INFANT)**

**JUDGEMENT**

This Originating Summons is presented by a single female Applicant, who is born on 31<sup>st</sup> July, 1961. The Applicant is working [Particulars withheld]. She follows the Islamic religion and intends to inculcate the same religion into the child herein. The Applicant is the only girl amongst her siblings and is well educated, much loved and brought up with family and religious values. Her eldest brother who is happily married with three daughters and working in London had promised to give her his fourth born irrespective of the sex of the child.

The whole family including the natural parents are very much happy to the above arrangements. Her brother and sister-in-law, the parents of the child, have kept their promise willingly and with love, despite the fact that the was a baby boy and they have three daughters.

The Applicant has comfortable earnings from her work and rental income from her own four bed-roomed house at Lovington, Nairobi. She also earns her share from the family electrical business at Nyeri. She herself lives in four bed-room house at Spring Valley.

At the court's directions, she also placed on record further affidavit showing her financial position annexing the title deed of her property, an affidavit from the biological parents reconfirming their willingness to give away their son to the applicant for all legal purposes and that of legal guardian consenting to be such guardian for the child.

The child has been declared free for adoption by the Little Angels Networks an Adoption Society registered under the Children Act.

The report from the Director of Children Services and that from the Little Angels Network are very much positive on the proposed adoption. They both recommends the adoption, despite the difference in the sex of the Applicant and the child. The guardian ad litem who is an Imam of the mosque also whole heartedly recommends the adoption.

Apart from the difference in their sex, this adoption is from a family arrangement and thus in my view the case is of a very special nature and I have thus no hesitation to agree with the recommendation of all concerned. I thus exercise my discretion under Section 158 (2) of the Children Act, 2001.

With the aforesaid observations, I order that the Applicant be authorized to adopt the child who shall be called as NI and his birth date shall be recorded as 15<sup>th</sup> May, 2002.

I further order that ZAK and AM of P. O. Box [Particulars withheld] Nairobi are appointed as Legal guardian ad litem is hereby discharged.

Orders to be extended in the Adoption Register.

Dated and Signed at Nairobi this 21<sup>st</sup> day of January, 2009.

**K.H. RAWAL**

**JUDGE**

**21.1.09**