



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA

Adoption Cause 4 of 2008

IN THE MATTER OF: THE CHILDREN ACT 2001

AND

IN THE MATTER OF: M.N.L

AND

L. I. L - CHILDREN

RULING

D.M.L, also known as D.M.L took out an amended summons dated 6th day of June 2008 pursuant to rule 8 of the Adoption Rules and applied for the following Orders:

1. *This Honourable court be pleased to appoint Dr. A.A. Said resident of Mombasa of care of Post Office Box Number [Particulars withheld] Mombasa within the Republic of Kenya to act as the Guardian Ad Litem in respect of this adoption case.*
2. *This Honourable Court be pleased to order that the Guardian Ad Litem do prepare a statutory report in terms of Rule 9 of the Adoption Rules and do submit the same to the Registrar at the case conference scheduled for theday of2008.*
3. *The costs of this application be in the cause.*

The summons is supported by the affidavit of D.M.L sworn on 6th June 2008.

I have perused the averments contained in the affidavit of D. M. L. It is apparent from the affidavit that the applicant is the biological mother of M.N.L and L.I.L. The biological father of the aforesaid children is one J.W. It is deponed by D.M.L that J.W deserted her and the children sometimes in 1996 and have since then not heard of him. The applicant has annexed to her affidavit a copy of the marriage certificate indicating that she and one A.R.L got married on 3rd March 2001. Their marriage was solemnized at Ziwani P.A.G. Church under the African Christian Marriage and Divorce Act. The applicant and the children have lived together with ARL since the date of the celebration of the marriage. The applicant has proposed to have Dr. A.A. Said a resident of Mombasa to be appointed a guardian Ad Litem in respect of this adoption cause.

Dr. A.A. Said is said to be a person well known to the applicant for a long time. It is said he has been

the Children's doctor hence he understands the minors better.

I have taken into account the aforesaid averments vis-à-vis the legal requirement. It is evident that Dr. A. A.Said has given his consent indicating he is willing to act as a guardian Ad Litem. The law requires that in adoption cases of this nature that a guardian ad litem be appointed to safeguard the interests of the children. Such a person should always ensure that the children's interest are paramount.

I am convinced the application meets the requirements of the law. I allow the same as prayed.

Date and delivered at Mombasa this 6th day of March 2009.

J.K. SERGON

J U D G E

In open court in the presence of Mr. Chakera for the applicant.6