



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

**Adoption Cause 11 of 2009**

**IN THE MATTER: CHILDREN’S ACT NO. 8 OF 2001**

**AND**

**IN THE MATTER: FD**

**IN THE MATTER: APPLICATION FOR ORDERS OF ADOPTION OF THE MINOR FD  
BY NMM & SMM**

**BETWEEN**

**1. N M M**

**2. S M M.....APPLICANTS**

**RULING**

The applicants, N M M and S M M (hereinafter “the applicants”), by their Originating Summons seek two main orders of the court namely that E M M be appointed Guardian Ad Litem and that the applicants be authorized to adopt the minor, E M M.

E M M has sworn an affidavit in support of his appointment as Guardian Ad Litem and in support of the adoption of the said minor by the applicants. It is deponed in the affidavit that he is the elder brother of S M M and a brother-in-Law of N M M and knows that they have the means to enable them maintain and bring up the minor including the provisions of proper social and basic human needs of the said minor. It is further deponed that he has known the applicants as husband and wife as aforesaid and the said minor and knows that the proposed adoption will be in the interest of the minor. Mr. M has further deponed that he has no personal interest adverse to that of the minor.

Having perused the affidavit of the said E M M and further having considered the application, I am satisfied that he is fit to act as a Guardian Ad Litem. I accordingly appoint him as such.

I have also considered the application by the applicants for the adoption of the minor E M M. The application is supported by a Statutory Statement of the applicants and an affidavit verifying the facts contained in the statement. The applicants are a married couple and have no child of their own. They profess the Christian faith and are financially stable and intend to bring up the said minor in the Christian culture until she attains the age of majority. They further desire to give the minor all parental love and affection to enable her lead a good life. Their interest is therefore not adverse to that of the minor. Annexed to the application are (i) a certificate declaring the said minor free for adoption which certificate has been issued by Little Angels Network, a registered Adoption Agency; (ii) a pre-placement report on the applicants prepared by the said Agency and (iii) a declaration report by the same agency recommending, *inter alia*, that the said minor is available for adoption and that the adoption by the applicants is in the minor’s best interests.

Having considered the above documents and the supporting affidavit of the Guardian Ad Litem, I am satisfied that the applicants have complied with all the conditions for the making of an adoption order. In

the premises, the Originating Summons dated 22<sup>nd</sup> May 2009 is allowed as prayed.

Orders accordingly.

DATED AND DELIVERED AT MOMBASA THIS 24<sup>TH</sup> DAY OF JUNE 2009.

**F. AZANGALALA**

**JUDGE**

Read in the presence of:-

Ms. Kipsang for the Applicants.

**F. AZANGALALA**

**JUDGE**

**24<sup>TH</sup> JUNE 2009**