



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA

Adoption Cause 9 of 2009

IN THE MATTER OF: **THE CHILDREN ACT 2001**

AND

IN THE MATTER OF: **THE ADOPTION OF B.R**

IN THE MATTER OF: **AN APPLICATION BY A.H.A.A & N.H. M FOR THE ADOPTION OF G.F**

IN THE MATTER OF BABY B.R THE INFANT

VERSUS

1. A.H.A.A

2. N.H.M.....APPLICANTS

RULING

By their application dated 27th April, 2009 by way of Originating Summons, A.H.A.A and N.H.M (hereinafter “the applicants”) seek two primary orders namely that S.M.H be appointed Guardian Ad Litem and that the applicants be authorized to adopt B.R to be known as Z.A.K.H (hereinafter “the infant”).

S.M.F.K has sworn an affidavit that the said S.M.H has agreed to act as guardian ad litem for the infant and that his interest is not adverse to that of the infant. A sworn consent to act as such guardian ad litem has been filed by the said S. M.H.

Having perused the affidavit of S.M.F.K and having considered the application to appoint S.M.H as a Guardian ad Litem, I am satisfied that he is qualified and fit to be so appointed. Accordingly, S.M.H is hereby appointed Guardian Ad Litem.

I have also considered the application for an adoption order made by the applicants. The application is accompanied by a Statutory statement of the applicants which statement has been duly verified by their affidavit. The applicants state that they are married to each other and have been so married since the year 1988. They further stated that they have one child of their own by name Z.A.H.A.A now aged 19 years. The applicants contend that they are physically and emotionally fit and financially capable of taking care of the infant. A.H.A.A works as a Manager with Electric Link International Limited while N.H.M is a housewife. Annexed to the application are the following documents:-

- 1) A pre-placement Report containing an evaluation and assessment of the applicants prepared by Little Angels Network, a Registered Adoption Society.**
- 2) A declaration Report containing a recommendation by Little Angels Network Society that the infant is available for adoption and that this adoption would be in the infant's best interest.**

I have considered the application, the statutory statement, the affidavits filed, the evaluation and assessment report on the applicants and the Declaration that the infant is available for adoption. Having done so, I am satisfied that the applicants

have complied with all the pre requisites before the making of an adoption order. The Originating Summons dated 27th April, 2009 is accordingly allowed and the applicants are hereby authorized to adopt infant Brenda Rahma who will now be known as Zahrain Abdulkadir Hashim.

Orders accordingly.

**DATED AND DELIVERED AT
MOMBASA THIS 2ND DAY OF SEPTEMBER, 2009.**

**F. AZANGALALA
JUDGE**

Read in the presence of:-
Mr. Mogaka for Ms Ngugi for the applicant.

**F. AZANGALALA
JUDGE
2.9.2009**