

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Adoption Cause 98 of 2007

M. N. THE INFANT

AND

V. T. F. AND T. S. THE APPLICANTS

JUDGMENT

The applicants VTF and TS who are a married couple of German and Spanish origin respectively, are applying for authority to adopt Baby MN born in Kenya on 26th April 2005.

The first applicant is a doctor while his wife was indicated to be a counsellor. They both reside in Kenya and have expressed an intention to stay for the next few years. They have no baby of their own although they aver that they have been married for more than five years. They officially got married here in Kenya through a civil marriage.

Baby MN was born of African parents who are unknown. The baby was found abandoned in Maragwa and taken to Maragwa Hospital before he was released to the custody of the applicants by Kenya Christian Homes. A Maragwa Court later committed the child to the applicant in Committal Case No. 2 of 2006.

There are three reports on investigations made over the child. They all show that the Baby is happily living with the applicants and that bonding between him and the applicants is excellent. The child now goes to a German School where he also learns English as an additional language. He mainly speaks and communicates in German.

I have carefully considered the application based on the material before me. I am satisfied that Baby MN is living very happily with the applicants. It is not disputed that he has no and knows no other parents. He is getting love and a roof over his head provided by the applicants. If that is taken away nobody can say what will happen to him. Most likely he will be returned to Children's Home.

It is my view accordingly that Baby M needs to be left with the applicants who appear to love him. It is in his best interest that he be allowed to be adopted by the applicants. I will accordingly make the following orders: -

ORDERS

1. The applicants VTF and TS are hereby with immediate effect authorized to adopt Baby MN who henceforth will be known as MNTS.
2. The Registrar-General is hereby directed to enter this adoption in the register of adoptions.
3. The Principal Immigration Officer is hereby directed to assist the applicant and the Baby if and when they want to travel out of Kenya.

Dated and delivered at Nairobi this 4th day of April 2008.

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D A ONYANCHA

JUDGE