

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KISII

Adoption Cause 41 of 2007

IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF F M (AN INFANT)

RULING

Nicholas M. S. and Lilian K. M. filed an application by way of Originating Summons brought under **Sections 154, 158, 159 and 160** and **Part XII** of the **Children Act, 2001**. They urged the court to issue an adoption order in their favour in respect of Felix M, an infant, currently aged about 3 years.

The application was supported by an affidavit sworn by the applicants. The applicants are aged over 25 years and are below 65 years. They are married to each other under the Kisii customary law. The infant was abandoned at birth and was taken to Hope Centre from where the applicants got him through the Child Welfare Society of Kenya. The child has been in continuous care and control of the applicants since 3rd March, 2005. The applicants have no natural child of their own.

The child was declared free for adoption by the District Children's Officer, Kisii, who has also given a favourable report in respect of the applicants. I am satisfied that the order sought is in the best interests of the child and I grant the same as prayed.

DATED, SIGNED and DELIVERED at **KISII** this 20th day of May, 2008.

D. MUSINGA

JUDGE

Delivered in chambers in the presence of the applicants and Mr. Maroro for the applicants.

D. MUSINGA

JUDGE.