



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI  
ADOPTION CAUSE NO. 135 OF 2000

IN THE MATTER OF TFE  
AND  
SGTME

RULING

The application was made under the provisions of the Adoption Act now repealed by the advent of Children Act of 2002.

As I have ruled in other similar matter the present petition is preserved and can be determined by this court as a competent proceedings under the provisions of Section 23 of the Interpretation and General Provisions Act (Cap 2)

The facts of the matter are properly captured in the Affidavit of the applicant and the official report of the Children's Officer filed in this court on 25th July, 2002.

The infant is the biological son of the female applicant who is appropriately accepted by the male applicant, his stepfather. The couple now has a daughter who is 3 ½ years now. It is prayed that the consent of the natural father be dispensed with in view of the fact that he has abandoned his duties as a father. The child needs a special educational care which is provided by the applicants in England. Considering the above circumstance I order that the consent of the father be dispensed with.

Coming to the facts of the application, I do not have any ground either in law or in fact to reject the same. The welfare and interest of the infant definitely is in issuance of the adoption order as prayed so that he can legally and emotionally become a part of the family.

I therefore grant the order of adoption of the infant RMM by the applicants namely TFE and SGTM prayed.

Dated and delivered at Nairobi this 16th day of August, 2002.

**K. H. RAWAL**  
**JUDGE.**