



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**CIVIL CASE NO. 11 OF 2019**

**IN THE MATTER OF ORDER 37 RULE 11 OF THE CIVIL PROCEDURE RULES**

**AND**

**IN THE MATTER OF THE MARRIAGE ACT, 2014**

**AND**

**IN THE MATTER OF THE RECTIFICATION OF MARRIAGE CERTIFICATE**

**BJN.....PLAINTIFF**

**VERSUS**

**THE HON. ATTORNEY GENERAL.....DEFENDANT**

**RULING**

1. On 22<sup>nd</sup> December 2017 the plaintiff BJN married WAO under customary law. The marriage was solemnized at the Registrar's Office in Nairobi on the same date. A certificate of marriage ("BJN1") was issued in which the plaintiff's parents were indicated as CMN and MN. The plaintiff had provided this information to the Registrar.

2. By this originating summons dated 27<sup>th</sup> February 2019 and filed on 1<sup>st</sup> March 2019, the plaintiff seeks that these "parents" names be removed from the certificate and in their place the mother be shown as "EWN" (deceased) and the father be indicated as "unknown". His case was that "CMN" and "MN" are his uncle and aunt, respectively, but that he had inadvertently indicated them as his parents. He went back to the Registrar for correction but he was advised he required a court order to make the correction. He annexed the letter to the Registrar.

3. The application was served on the Attorney General who did not respond.

Under **section 63** of the **Marriage Act, No. 4 of 2014**, it is the responsibility of the Registrar to correct any clerical error or omission in the register of marriages or a certificate of marriage. It is possible that the Registrar may have considered that what the plaintiff sought was not a mere correction of an error or omission but a substantive change of information regarding his parents.

5. I allow the application. I direct the Registrar of Marriages to remove the names of "CMN" and "MN" from the register and certificate of marriage No. 297150 dated 22<sup>nd</sup> December 2017 issued to the Plaintiff and WAO. Instead, the plaintiff's parents' names shall be "unknown" for the father and "EWN" for the mother.

**DATED and DELIVERED at NAIROBI this 11<sup>TH</sup> day of JULY 2019.**

**A.O. MUCHELULE**

**JUDGE**