



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
IN THE MATTER OF CHILDREN ACT 2001
MISCELLENOUS 138 OF 2015

K K A & K D (APPLICANTS)

P A & B A..... (MINORS)

RULING

The Applicants under certificate of urgency filed on 10th October 2015 under **Section 1A, 1B & 3A of the Civil Procedure Act and Order 22 Rules 4,5,&6 of Civil Procedure Rules 2010** and all other enabling provisions of law sought from the Court;

- a. To receive and adopt the Adoption Deed dated 3rd August 2004 from India and to adopt it as its own order for purposes of execution in Kenya.
- b. The Court to grant execution of the said Adoption deed in Kenya.

The application is grounded on the following factors;

- a. The applicants were issued with the adoption deed from the Sub Registrar in Dhuri India under the Hindu Adoption customs
- b. The natural parents; H K & K R D of the minors P A & B A gave consents to the Applicants to adopt the 2 children.
- c. The 1st Applicant K K A migrated to Kenya on 4th April 2002 and the 2nd Applicant K D A migrated on 28th March 2013. They are now Kenyan citizens by naturalization.
- d. The Applicants have applied to be registered as Kenyan citizens by naturalization as they have reached the age of majority.
- e. It is in the best interests of the children that the adoption deed is adopted as an order of this Court so as to facilitate the children to pursue their education.

On 4th December 2015, the Court heard the application through Counsel for the Applicants Mr. Nduati. The Court noted the Adoption deed is in Hindi and sought the same be translated to English for the Court's consideration.

On 18th December 2015, Counsel filed a Supplementary affidavit. The Applicants attached the legible and translated version of the Adoption Deed from Punjabi language to English translated by the Hindu Council of Kenya.

The Court sought the presence of both Applicants in Court, which was complied with.

This Court is satisfied that the Applicants have had custody of the children since 2004, pursuant to the Adoption deeds before the Sub Registrar from Dhuri India. The applicants were allowed to have the minors live with them and bring them from India to Kenya where they have lived to date.

Section 176(1) of the Children Act 2001 on the effect of overseas adoption provides;

“Where a person has been adopted (whether before or after the commencement of this Act) in any place and the adoption is one to which this section applies, then for purposes of this Act and all other written laws, the adoption shall have the same effect as an adoption order validly made under this Act and shall have no other effect.”

In the instant case, the parties presented to Court Adoption deeds. The Applicants have lived and taken care of the children since then till now. No adverse information to the detriment of the children has been adduced in Court.

Therefore this Court adopts the Adoption Deed of 3rd August 2004 from Sub Registrar, Dhuri, India.

By virtue of the said Deed, the Applicants K K A & K D A are hereby appointed sole guardians of the minors P A & B A.

DELIVERED AND SIGNED IN OPEN COURT AT NAIROBI THIS 8TH DAY OF FEBRUARY, 2016

M.W. MUIGAI

JUDGE

In the presence of:

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