



**REPUBLIC OF KENYA**

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

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 222 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY A G H**

**RULING**

1. The applicant in the application dated 25<sup>th</sup> April 2016 seeks amendment of the adoption orders made herein on 8<sup>th</sup> February 2016 so as to include the name of the biological mother of the child, the subject of the suit.
2. It is averred that the applicant in the instant application is the husband of the biological mother of the subject child. The proceedings to adopt the child have been concluded and a judgment delivered, but the Registrar-General is said to have declined to include the name of the mother of the child in the relevant register, insisting that the adoption order be amended first to include that name.
3. The cause herein commenced on 10<sup>th</sup> September 2015 when the Originating Summons, dated 10<sup>th</sup> September 2010, was lodged in court for the adoption of the subject child. It was brought at the instance of a single applicant, one J R H.
4. Judgment was ultimately delivered on 8<sup>th</sup> February 2016 allowing the applicant, J R H, to adopt the subject the child. The orders granted by the court were in consonance with the Originating Summons dated 10<sup>th</sup> September 2010. There was therefore no mistake or error on the record on the part of the court.
5. If the applicant intended that the name of the biological mother of the child be included in the order to be ultimately made by the court he should have included her in the Originating Summons. I find it curious that the applicant was asking the Registrar-General to do that which the applicant had not asked the court to grant. The Registrar-General acted quite properly in rejecting the inclusion of the name of the biological mother of the child in the records.
6. Ideally, the applicant ought to have applied for a review of the orders of the court in accordance with the review provisions set out in the Civil Procedure Rules. The orders sought in the current application are fundamental and cannot be obtained by a mere amendment of the judgment of the court as if there had been an error made at the formal extraction of the order.
7. I do not feel persuaded to grant the orders sought. I will dismiss the application dated 25<sup>th</sup> April 2016, and direct the applicant to file a formal application for review of the judgment of Muigai J. delivered on 8<sup>th</sup> February 2016.

**DATED, SIGNED and DELIVERED at NAIROBI this 8<sup>TH</sup> DAY OF JULY, 2016.**

**W. MUSYOKA**

**JUDGE**