



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS)

Adoption Cause 53 of 2006 (OS)

IN THE MATTER OF J W..... THE CHILD

AND

WMM 1ST APPLICANT

MMM 2ND APPLICANT

JUDGMENT

The applicants herein formalized their cohabitation since 1989 on 6th march, 1997 under the Marriage Act (Cap 150). They have three biological daughters. The applicants are born on 10th January, 1960 and 23rd October, 1963 respectively.

The applicants are well educated and the male applicant retired in 1999 as a General Manager of Civil Operations and Management with [PARTICULARS WITHHELD] and at present runs private business under the names and [PARTICULARS WITHHELD]Printer Co. Ltd. The female applicant is working as a revenue officer with Kenya Revenue Authority.

Their marriage is a steady one and they believe that divorce is not an option to solve any problems encountered in marriage.

They are financially stable and live with the family on a home constructed on a ¼ acre of land at Kahawa Sukari Estate. They have one acre ancestral plot in Mathiyoa. They are shown to be physically and mentally fit to adopt a child. Their intention to adopt a child is foremost to provide a family for a needy child.

The child before the court was found abandoned near Rweri Bar at Githunguri Town. A bar attendant took her to Githunguri Police Station. There is no entry in the O.B. to that effect and Police referred the child to Area Chief who gave the child to a sister of 2nd Applicant, who had accompanied the child & Bar Attendants to the Chief, pending investigations. After a year the child was given to the applicants as her sister was unable to look after her financially. Senior Resident Magistrate court in Kiambu thereafter committed the child to the care and protection of the applicants vide a committal order dated 25th January, 2005 in P & C No.[PARTICULARS WITHHELD] She is declared free for adoption, vide certificate dated 18th December, 2006 from the Child Welfare Society of Kenya.

The reports from the office of the Director of Childrens Service is detailed appropriately. The officers have visited their home and have observed that the child has bonded well with the applicants and other three daughters who consider her as their sibling. It is recommended that as the applicants have fulfilled all the legal requirements for the order of adoption, the same should be granted.

So is the view of the Child Welfare Society, an Adoption Society licensed under the provisions of the Children Act, 2001.

Guardian and *ad litem* also is of the similar opinion.

The child herein born on 2nd October, 2000 and abandoned has not been claimed by any one and is available for adoption and since 2001 has been under the care and protection of applicants who have been found suitable to adopt her by all concerned.

I am thus persuaded to find, and do find so, that it shall be in the best interest of the child to allow her to be adopted by the applicants.

In the premises, I order that the applicants are permitted to adopt the child to be known as **JWM** born In October, 2000.

I discharge guardian *ad litem* appointed in this cause.

I further direct that the above orders be entered in the Adoption Register.

Dated and delivered on 8th May, 2009.

K.H. RAWAL

JUDGE