



**In re LB (Minor) (Miscellaneous Application E193 of 2025)  
[2025] KEHC 13440 (KLR) (Family) (30 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13440 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**MISCELLANEOUS APPLICATION E193 OF 2025**

**H NAMISI, J**

**SEPTEMBER 30, 2025**

**IN THE MATTER OF APPLICATION FOR CHANGE OF PARTICULARS**

**AND**

**IN THE MATTER OF LB (MINOR)**

**BETWEEN**

**JOA ..... APPLICANT**

**AND**

**REGISTRAR OF BIRTHS AND DEATHS ..... 1<sup>ST</sup> RESPONDENT**

**DEPARTMENT OF CIVIL REGISTRATION ..... 2<sup>ND</sup> RESPONDENT**

**THE ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**WEKO (SUING AS THE ADMINISTRATOR OF THE ESTATE OF SOK -  
DECEASED) ..... INTERESTED PARTY**

**RULING**

1. Before the Court is an Application dated 23 June 2025 erroneously filed as Originating Summons seeking the following orders:
  - i. That this Honourable Court be pleased to direct the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to register the name of SOK, as the father and surname of the Minor on the Birth Certificate of the Minor B. No. 64XXXX79 dated 7 December 2011 and on the Register of Births;



- ii. That this Honourable Court be pleased to direct the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to issue the child with another Birth Certificate bearing the name of the father, SOK as father;
  - iii. That this Honourable Court be pleased to direct the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to issue the child with any other Registration documents that might have been issued without the names of the father of the Minor with one that bears the name of the father as the surname;
  - iv. That the cost of this Application be in the cause.
2. The Application is supported by Affidavit sworn by the Applicant, the biological mother of the minor herein. The minor was born on 23 November 2008 in Nairobi County. At the time of his birth, the Certificate of Birth was issued bearing the name of the Applicant as mother. It did not indicate the father. The name of the minor is indicated as LB. According to the Applicant, the child's father is SOK (Deceased). He passed away on 12 March 2020.
  3. The Interested Party is the father to SOK (Deceased) and Administrator to his estate. On 6 February 2025, a DNA test was conducted between the Interested Party and the minor to ascertain the paternity of the minor. The test confirmed that the genetic relationship between the minor and Interested Party, thus confirming his paternity. The Applicant now wishes for the father's name to be included in the Birth Certificate, and that the minor may also have his father's surname, K.
  4. Attached to the Supporting Affidavit are copies of the minor's Certificate of Birth, Certificate of Death of SK and DNA results. The Court had the opportunity to hear from the Applicant and Interested Party, who both confirmed that they would like the child to have a sense of identity and belonging with his paternal side.
  5. Despite being served, the Respondents did not participate in these proceedings.
  6. Article 35 (2) and Article 53 (2) of *The Constitution* provide as follows:
    - 35 - "Every person has the right to the correction or deletion of untrue or (2) misleading information that affects the person.";
    - 53 - "A child's best interest are of paramount importance in every matter (2) concerning the child."
  7. Section 12 of the *Births and Deaths Registration Act*, Cap 149 Laws of Kenya provides as follows:
 

No person shall be entered in the register as the father of any child except either at the joint request of the father and mother or upon the production to the registrar of such evidence as he may require that the father and mother were married according to law or, in accordance with some recognized custom.
  8. Section 7 of the *Children Act* provides as follows:
    - (1) Every child shall have a right to a name and nationality and, as far as possible, the right to know and be cared for by their parents.
    - (2) Every child has the right to be registered in the Register of Births immediately after birth in accordance with the *Births and Deaths Registration Act* (Cap. 149).
  9. Pursuant to the provisions of section 8 of the *Children Act*, this Court must act in the best interests of the minor herein. It is in the best interest of the minor to have a name and an identity, which identity



is informed by knowing one's parents and heritage. In this instance, it would be in the best of the child to have the correct information with respect to his paternity contained in the Certificate of Birth. This information goes to the very core of his identity.

10. Additionally, the Applicant prays for that the name K be included as the child's surname. This request is supported by the Interested Party, who stated that it would give the child a sense of belonging. It is the considered view of this Court that including the said name will be in the best interest of the child.

11. In the circumstances, I allow the Application and make the following orders:

- i. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents are hereby directed to register the name of SOK, as the father and surname of the Minor on the Birth Certificate of the Minor B. No. 64XXXX79 dated 7 December 2011 and on the Register of Births;
- ii. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents are hereby directed to issue the child with another Birth Certificate in the name of LB K;
- iii. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents are hereby directed to issue the child with any other Registration documents that might have been issued without the names of the father of the Minor with one that bears the name of the father as the surname;
- iv. Owing to the nature of the case, I make no orders as to costs.

**DATED AND DELIVERED AT NAIROBI THIS 30 DAY OF SEPTEMBER 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on virtual platform in the presence of:

For Applicant: Mr. Tonkei

For Respondents: N/A

For Interested Party: Mr. Tonkei

Court Assistant: Lucy Mwangi

