



**In re Munyalo (Suing as the mother and the next friend/guardian ad-
litem of the minor) (Civil Miscellaneous Application E148 of 2025)
[2025] KEHC 16704 (KLR) (14 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16704 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
CIVIL MISCELLANEOUS APPLICATION E148 OF 2025**

**EN MAINA, J
NOVEMBER 14, 2025**

**IN THE MATTER OF
MOUREEN KASYOKA MUNYALO (SUING AS THE MOTHER
AND THE NEXT FRIEND/GUARDIAN AD-LITEM OF THE
MINOR) EX PARTE APPLICANT**

RULING

1. Before this court is a Notice of Motion application dated 23rd April 2025, seeking that the court does issue the applicant with an order directing the office of the immigration to substitute the fake birth certificate dated 11th May 2017 with the correct certificate dated 8th November 2024.
2. The application is supported by the Affidavit of the Applicant sworn on 23rd April, 2025 wherein she deposes that she is the mother of the minor having sole custody. She was granted leave to travel with the minor outside Kenya and sought the services of an advocate to help acquire a birth certificate in the name of the minor which she was later given a birth certificate dated 11th may 2017.
3. It was averred that the applicant proceeded to apply for the minor's passport using the birth certificate and also applied for visa for the minor in order to travel with the minor to Australia. It was during this application process that the birth certificate was found to be fake and thus she could not proceed with the visa application. The applicant was later issued with the correct birth certificate and was advised to get an order from court directing the office of immigration to remove or substitute the fake birth certificate and have the correct one in place so that the minor's visa application is successful.
4. The application was unopposed.



Submissions

5. The application was canvassed by way of written submissions with counsel for the Applicant elaborated on the duty of the director general in the office of immigration and also relied on article 27 of *the Constitution*.

Determination and Analysis

6. This court has considered the application, the submissions of the party and the law. In my view the application, though it is unopposed, is misconceived for reason that it is not the Immigration Department that registers births and issues certificates of birth but the Department of Registration of Births and Deaths. Moreover, and this is with utmost due respect, the jurisdiction of this court does not extend to sanitizing or validating fake documents. Such an exercise of jurisdiction may only be done by the relevant government offices but not this court.
7. The procedure used to bring this application is erroneous as it ought to have been brought by way of judicial review.
8. The upshot is that this application is not merited and it is dismissed.
9. There shall be no order for costs.

RULING SIGNED, DATED AND DELIVERED VIRTUALLY ON THIS 14th DAY OF 2025.

E. N. MAINA

JUDGE

In Presence Of:

Mr. Mutua for the Applicant

No appearance for the Respondent

C/A: Geoffrey

