



**In re MB (Child) (Adoption Cause E027 of 2024)
[2025] KEHC 1010 (KLR) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 1010 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E027 OF 2024**

EN MAINA, J

FEBRUARY 27, 2025

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF BABY MOSES BARAKA - ABANDONED MALE

(CHILD)

AND

IN THE MATTER OF APPLICATION OF ADOPTION BY

NICHOLAS MUTUA MBATHA1ST APPLICANT

DOROTHY KANINI MUSAU2ND APPLICANT

IN THE MATTER OF

NMM 1ST APPLICANT

DKM 2ND APPLICANT

JUDGMENT

1. The child in this matter, a boy now aged two (2) years was rescued by a good Samaritan, one DD of Tel No. 0115XXXX at the Missionaries of fathers seminary located at Rimpa in Ongata Rongai upon being abandoned there by his mother on 18th December,2022
2. The incident was reported to the Ongata Rongai Police station within whose locality the abandonment had occurred and the child was taken to the Missionaries of Charity – Huruma where he was admitted on 18th December, 2022 temporarily. On 4th January, 2023 he was transferred trough the Sub- County Children’s Officer Kajiado North to New Life Mission – Samaritan Children’s Home.
3. On 27th November, 2023 the child, by then named Baby M was committed to the New Life Mison – Samaritan children’s Home as in need of care and protection in the Children’ Court at Ngong *vide*



Case number EXXX of 2023. Subsequently, on 6th April, 2024 he was placed in the custody of the Applicants who had expressed willingness to adopt a child. The child was never claimed.

4. The Applicants have been married to each other under Kamba Customary Law. They started living together in the year 2000 and later registered their marriage on 7th November, 2023 under the Marriage Act and they have obtained a Marriage Certificate.
5. The Applicants are both gainfully self-employed and currently have no biological children of their own.
6. The following reports have been duly filed in regard to the adoption. -
 - a. Report of the Guardian Ad Litem
 - b. Report of the Adoption Agency – Kenya Children’s Home Adoption Society.
 - c. Report of the Directorate of Children’s Services – County Coordinator Children Services
 - d. Consents of CMK and PMM to act as Legal Guardians.
7. All the filed Reports recommend this adoption which is within a family. The child has been under the continuous care of the Applicants for the last 10 months and they come highly recommended as adoptive parents for the child and having carefully considered all the material before me, I am satisfied that the adoption is in the best interest of the child. The Applicants fully understand the implications of an order of adoption and have already assumed their responsibilities. In the premises, I grant the orders sought in the application.
8. The child will now be known as MMM .
9. CMK and PMM are hereby appointed to act as Legal Guardians of the minor.

It is so ordered.

JUDGMENT DATED, SIGNED AND DELIVERED VIRTUALLY ON THIS 27TH DAY OF FEBRUARY, 2025.

E. N. MAINA

JUDGE

27/02/2025

In the presence of:

Mr. Nagwere for Ms Mbuvi for the Applicants

Geoffrey – Court Assistant

Both Applicants – Absent

