



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO 26 OF 2003**

**IN THE MATTER OF THE CHILDREN ACT (NUMBER 8 OF 2001)**

**IN THE MATTER OF EZRA MACHARIA – INFANT**

**RULING**

On 31st March 2003 Julius Murula Lwikato and Pamela Murula (hereinafter called “ the Applicants”) filed an application in this Court by way of Originating Summons seeking inter-alia for order to adopt an Infant child known as Ezra Macharia (hereinafter called “the Infant”)

On 16th May 2003 Linnet Ouna (An Adoption Officer with Child Welfare Society of Kenya) was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 5th December 2003, the said guardian ad litem in the said capacity and as an adoption officer with Child Welfare Society of Kenya (a registered adoption society) presented the requisite reports in respect of both the said Infant and the Applicants.

The said Infant is presented to this court through the said guardian as an abandoned child. He was said to have been found abandoned on 12th July 2001 at Kibera Lindi in Nairobi the day he is also said to have been born and subsequently thereafter referred for further care to the New Life Home Trust, a home for abandoned and orphaned babies. On 7th January 2003 the said Infant was fostered from the said home by the applicants and has since then continuously been under the good care of the said Applicants.

The Applicants are man and wife and are both Kenya citizens by birth. According to the comprehensive reports filed and presented in this court by the Child Welfare Society of Kenya and the Director of children’s Services, the said Applicants are fit and proper persons capable of adopting and providing due parental care and attention to the said Infant. The said Applicants have been living together as man and wife since 1994 but for medical reasons have not been blessed with any child notwithstanding their common wish and desire. In accordance with the said reports the Applicants have duly complied with the applicable provisions of the Children Act (Act No. 8 of 2001). The said Infant also duly qualifies for adoption having been assessed and declared free for adoption by a registered adoption society as provided under the said Act.

I have duly considered all the aforesaid reports together with the pleadings filed herein. I have heard the presentation made by the said guardian. I am therefore satisfied that the adoption sought by the Applicants shall be in the best interests of the said Infant. In pursuance of the said application, I dispense with the production of necessary statutory consent as provided under section 159 (1) (a) (i) (c) of the said Act.

I accordingly order that the said Infant be and is hereby adopted by the said Applicants. I also order that the Applicants do accept quarterly supervision by and advice from the Child Welfare Society of Kenya to terminate at the expiration of three(3) year hereinafter upon filing a satisfactory final assessment and supervision report on the said Applicants and the Infant in this Court. I further order that the said Infant be renamed Ronald Murula Lwikato henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED and DELIVERED at Nairobi this 19th day of December 2003.

P. J. KAMAU

AG. JUDGE



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