

**IN THE HIGH COURT OF TANZANIA  
DAR ES SALAAM DISTRICT REGISTRY  
AT DAR ES SALAAM**

**MISCELLANEOUS CIVIL CAUSE NO 313 OF 2015**

**IN THE MATTER OF THE LAW OF THE CHILD ACT, NO. 21 OF 2009**

**AND**

**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER  
BY JEROME RAYMOND MSEFYA AND ANGELA DOROTHY GLORIA  
NGONYANI OF P.O.BOX 2687, DAR ES SALAAM .... PETITIONERS**

**AND**

**IN THE MATTER OF MAXIMILLIAN THE ADOPTIVE CHILD OF  
P.O.BOX 2687, DAR ES SALAAM .....RESPONDENT**

Date of Hearing: 15<sup>th</sup> July, 2015  
Date of Ruling: 22<sup>nd</sup> July, 2015

**RULING**

**Feleshi, J.:**

**MAXIMILLIAN** was born by unknown biological mother and abandoned at Ubungo Bus Terminal. He was taken to Urafiki Police where the incident report URP/RB/3702/2013 was recorded on 2<sup>nd</sup> January, 2014 and **Maximillian** was shortly after placed to Mburahati Children Home in Dar es Salaam. His biological parents are unknown and efforts by the Police to trace them or either of them have been unsuccessful. Therefore, the Commissioner for Social Welfare on 23<sup>rd</sup> November, 2014 further placed the infant under the foster care of the adoptive parents **Jerome**

**Raymond Msefya** and **Angela Dorothy Gloria Ngonyani** who have been taking care of him to date.

**Jerome Raymond Msefya** and **Angela Dorothy Gloria Ngonyani** have now commenced the present proceedings for an adoption in respect of **Maximillian**. They are husband and wife respectively. They are Tanzanian and British nationals respectively. **Jerome R.Msefya** (born in 1963) is Support Worker (Sociologist) while his wife **Angela D.Ngonyani** (born in 1974) is a Social Welfare Officer.

The Petition is filed under the provisions of sections 54 and 55(1) of the Law of the Child Act, No.21 of 2009. It is verified by an affidavit duly sworn by both petitioners. Also filed is an undertaking by foster parents. The documents supporting the petition include copies of petitioners' passports, certificate of their marriage Registration and adoptive child clinic card.

The petitioners were married at St Peter's Church-Oster Bay Dar es Salaam on 25<sup>th</sup> June, 2005. They reside at a house situate at Plot No.294 Kilongawima, Mbezi Beach Dar es Salaam but **Jerome R.Msefya** is currently staying at 104 Scott House, New Addington, Croydon, Surrey, CRO OPF, United Kingdom and is employed and working as a Support Worker (Sociologist) at Choice Support, 100 Westminster Bridge Road, London, SE1 7xA. **Angela D.Ngonyani** is employed as a Social Worker Officer at London Borough of Lambeth, Family Support and Child Protection

Team 4, International House, Canterbury Crescent, SW9 7QE London. They do not have issue.

The Commissioner for Social Welfare has consented to the adoption of **Maximillian** by the petitioners. His written consent is annexed to the Petition.

Pursuant to an application by the petitioners, this Court appointed one **Mr. Abasi Adam Makaranga**, a Social Welfare Officer in the Department of Social Welfare, Ministry of Health and Social Welfare, a Guardian *ad litem* of **Maximillian**. **Mr. Abasi Adam Makaranga** conducted a social investigation on the Petitioners and their families here in Tanzania and in the United Kingdom. Those questioned expressed the view that the Petitioners are the right mindset to become adoptive parents of **Maximillian**.

**Mr. Abasi Adam Makaranga** whose report was presented in Court by **Ms. Alphonsa Shirima**, a Social Welfare in the Department of Social Welfare and in-Charge of Adoption Desk further reported that they are satisfied that the petitioners have the means and status that would enable them to suitably maintain and bring up **Maximillian**. She has thus recommended that the Petitioners' prayers for an adoption order be granted.

I have scanned the petition, the affidavits verifying the same, the report of the Guardian *ad litem* and all documents filed herein as

annextures. I have also paid regard to the submission made by **Mrs Shiyo**, the learned counsel who represented the petitioners who invited me to consider the filled petition and its annextures and the relevant law and be pleased to grant the Petition. I am satisfied that this Application has been made in good faith.

I also seized the opportunity of having the presence of the petitioners and the said **Maximillian** in Court to make a physical observation. I saw **Maximillian** exchanging hugs with both petitioners in short moments signifying the optimum pleasure both the adoptive parents and the infant they experience.

I am satisfied that the Petitioners are of the requisite statutory age and quality under the relevant provisions of the law. The Consent of the Commissioner for Social Welfare appears to have been deservedly obtained in this case.

Furthermore, I am contented that the Petitioners fully understands the nature and effect of an adoption order, and the legal responsibilities they shall assume once such an order is granted in their favour. I find it as a fact that the Petitioners are fit and proper persons to be granted an Order for Adoption of the Child **Maximillian**, and that such Order would be in his best interests.

On the strength of the foregoing, I hereby grant this Application. An order for the Adoption of the infant **Maximillian** shall issue in favour of

the Petitioners **Jerome Raymond Msefya** and **Angela Dorothy Gloria Ngonyani**.

I also grant the wishes of the adoptive parents that the infant **MAXIMILLIAN** be known, henceforth, by the name of **MAXIMILLIAN JOSHUA JEROME**.

The Petitioners to bear their costs. It is ordered accordingly.

DATED at Dar es Salaam this 22<sup>nd</sup> July, 2015

E.M. Feleshi  
**JUDGE**

Delivered on this 22<sup>nd</sup> July, 2015 in the presence of Mrs. Shiyo, Advocate for the Petitioners.

E.M. Feleshi  
**JUDGE**  
**22. 7.2015**