

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

MOSHI DISTRICT REGISTRY

AT MOSHI

MISCELLANEOUS CIVIL CAUSE NO. 1 OF 2020

IN THE MATTER OF THE LAW OF THE CHILD ACT OF 2009

AND

IN THE MATTER OF THE

GAUDENSI ELIA ASENGA ----- 1ST INFANT

GILBERT FREDNAND LYIMO ----- 2ND INFANT

AND

IN THE MATTER OF PETITION FOR AN ADOPTION ORDER BY

DAVID SOLZHEN MITALA ----- 1ST PETITIONER

HILARY JEROME KIMARIO ----- 2ND PETITIONER

RULING

MUTUNGI .J.

Having gone through the Petition (paragraph 7) and having interrogated the first Petitioner, it has come to light that the Petitioners are related to the first infant, subject of this adoption petition. To be precise the Infant is the biological son of the second petitioner's deceased's young sister. In view thereof and in line with the provisions of Section 54 of

the Law of the Child, this being an open adoption the court has no jurisdiction to entertain the same. It is provided under Section 54 (1) (b) that: -

*"An application for **"open adoption"** shall be made to the Resident Magistrate Court or the District Court."*

Having observed as above, this application is rejected henceforth and the Petitioners advised to file their adoption petition before the proper court if they so wish.




B. R. MUTUNGI

JUDGE

11/11/2020

Ruling read this day of 11/11/2020 in presence of the first Petitioner, the Infant (Gaudensi Elia Asenga) and the Social Welfare Officer (Dancan Mgale).


B. R. MUTUNGI

JUDGE

11/11/2020