

IN THE HIGH COURT OF TANZANIA

MWANZA DISTRICT REGISTRY

AT MWANZA

MISCELLANEOUS CIVIL CAUSE NO. 07 OF 2020

(Originating from (PC) Matrimonial case No. 9/2019)

BAHATI WAJANGA AND ANOTHERAPPLICANT

VERSUS

NEEMA SUDY.....RESPONDENT

RULING

02/02 & 13/04/2021

RUMANYIKA, J.:

The petition for an order of adoption it is, with respect to say the 2 years old girl currently going with the name Neema Sudy (the child) according to the Social Welfare Officer one Ms. Edith Makiwa of Mwanza city council who is therefore herein appointed the faster parent, the latter's requisite consent and report of the Commissioner of Social Welfare immediately after was born the child having been abandoned but shortly thereafter the spouses Bahati Wajanga and Neema Kayonge professionally medical doctors (the 1st and 2nd petitioners) respectively

who kept and took care of her since 24th July, 2019 to date they had the child having been handed over to them by Neema House (center) in the city. The petition is brought under provisions of Sections 57 (1) of the Law of the Child Act (2009) and 95 of the Civil Procedure Code Cap 33 RE. 2019. It is supported by joint affidavit of the said Bahati Wajanga and Neema Kayange.

It is equally important at this juncture also to state it that the parties having had appeared in court physically, the petition was, by way of audio teleconferencing heard on 8/4/2021 (mobile number 0784521547).

Having also adopted contents of the said supporting affidavit but briefly, Mr. Alex Banturaki learned counsel for the petitioners submitted as per the herein above introductory part of the ruling additionally, that the economically fit and reliable petitioners had no any blood ties or such other relationship whatsoever with the child subject of the petition.

The central issue is whether had the petition been granted they would meet the best interest of the child. The answer is yes. Having considered the evidence and the obtaining circumstances, namely the child having had been abandoned immediately one had given birth to her, the petitioners volunteered to, from the said Neema House (center)

with effect from 24/7/2019 they took the child with them and took care of her to date homely and lovely I suppose, the spouses were both medical doctors, like any other elite employees with optimal but reliable source of wage also in their words as promised by them (paragraph 13 of the petition) capable to accord the encumbrance free child with comfortable accommodation, education, medical care, insurance cover therefore promised her brighter future and in order to secure all the above open her bank saving account much as the whereabouts of the child's true parents / guardian / relatives had not been established since.

In the upshot the petition is granted and the adoption order is subject to terms and provisions of the Child Act made accordingly. The child is, for avoidance of doubts adopted in the name of Victoria Bahati Wajanga as it was requested in paragraph 12 of the petition. The said Ms. Edith Mokiwa is appointed as **guardian ad litem**. It is ordered accordingly.



S. M. RUMANYIKA

JUDGE

10/04/2021

The ruling is delivered under my hand and seal of the court in chambers this 13/4/2021 in the presence of Mr. A. Bantulaki learned advocate.




S. M. RUMANYIKA

JUDGE

13/04/2021