

IN THE HIGH COURT OF TANZANIA
AT DAR ES SALAAM DISTRICT REGISTRY
AT DAR ES SALAAM
MISC. CIVIL APPLICATION NO. 573 OF 2023
IN THE MATTER OF THE LAW OF THE CHILD ACT, REVISED EDITION OF
2019
AND
IN THE MATTER OF MOSES WA MUNGU INFANT OF
P.O.BOX 71739, DAR ES SALAAM, TANZANIA
AND
IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER
BY AUSTIN SIGFRID RIWA AND
EMILY MAINDA RIWA
OF P.O.BOX 71739, DAR ES SALAAM

RULING

MKWIZU,J:-

This is a ruling on an uncontentious matter made under sections 54 (1) a, 55 (1) a, and 59 (2) of the Law of the Child Act, Rule 11 of the Adoption of the Child Regulation, and section 95 of the Civil Procedure Code (Cap 33 RE 2019) where the petitioners, SSR and XYZ (identity withheld), a husband and wife , both adult, christians and residents of Masaki, P.O. Box 71739 Dar es salaam pray for an adoption order of a child JKR (name withheld), a male child, Tanzanian born on 14th May 2022.

The appointed social welfare officer and Guardian Ad Litem, Ms Asha Mbarouk was on 25/10/2023 directed by this court to conduct and file in court a Social Inquiry Report in accordance with Section 75(2) (d) of the Law of the Child Act, 2009 [Cap 13] and Rule 11 of the Adoption of a Child Regulations, 2011 GN No. 197 of 2012 to assist the court in determining whether the adoption is in the best interest of the child .The report was filed in court on 5/12/2023

A carefully perusal of the report reveals that the child is one year and eight (8) months old born on 14/5/2022. The child is parentless as was abandoned on a trench (mtaro) at Bgamoyo immediately after birth and for that reason the parents could not be located hence eligible for the adoption procedures and orders. The child was later after medical care at the hospital placed at PETRA ORPHANAGE CENTRE Bagamoyo before the petitioners were allowed to take the child as foster parents.

The proposed adoptive parents are all Tanzanian Citizens, the adoptive father is working as Financial and marketing Consultant while the adoptive mother is a Human Resource Consultant. The two are married couple staying together since 14th June 2008 currently staying with the child. The petitioner's readiness to take the child as their own son is expressed in paragraph 9 of the supporting affidavit. The child is said to enjoy living

with the petitioner's and the petitioners are recommended as a rightful candidate for the application

When the matter came for hearing on 11th December 2023, Mr Said Nassoro was in court for the petitioners whereas, Ms. Asha Ally Mbarouk, Senior Social Welfare Officer appointed by the Commissioner for Social Welfare and approved by this Court as a Guardian Ad Litem of the child was in court for the infant's best interest.

Mr Nassoro's submissions was short but focused. He adopted his chamber summons and supporting affidavit as part of his submissions with an additional information that petitioners have not been blessed with a child, they are not related to the child and the child is not subject to any petition order. He submitted further that the petitioners are willing and ready to provide education, health and unconditional love to the child and other identical necessities. He prayed for the change of the child name to that of MOR in case the adoption order is granted.

Ms Asha Mbarouk social welfare's prayer was for the court to consider the report filed and grant the application as recommended in the Social Investigation Report.

I have intriguingly considered the petition, parties' submissions, and the social Investigation report. I do not find anything to decline this application. It is evident from the filed report that child's biological parents are unknown, the child has been under the petitioners care for sometimes now and more appealing, the petitioners are willing and ready to care for the child as their own abiding to all adoption rules and condition.

Consequently, an adoption order is issued in favour of the petitioners, **SSR and XYZ** in adoption of the child **JKR** who following the issue of this order shall be known, as **MOR(full name to be displayed in the adoption order)**. The adoption order should be served to the Registrar General for necessary action in compliance with section 70 of the Law of the child Act. Order accordingly.

DATED at DAR ES SALAAM this 18th day of DECEMBER 2023.



E.Y. MKWIZU

JUDGE

18/12/2023