

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(ARUSHA SUB-REGISTRY)

AT ARUSHA

MISCELLANEOUS CIVIL CAUSE NO.13 OF 2023

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

AND

**IN THE MATTER OF GLORY A CHILD OF P.O BOX 707470, ARUSHA-
TANZANIA**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY
DANIEL MSECHU AND MARY EXAUD MSECHU OF P. O BOX 707470
ARUSHA-TANZANIA**

RULING

21 & 28/02/2024

KIWONDE, J.:

The petitioners, Daniel Msechu and Mary Exaud Msechu filed a petition supported by an affidavit and notification of an intention to adopt, praying for an order of adoption of the child 'G '(identity hidden), that the child be known by the name Heavenlight Daniel Msechu, the order of adoption be served to the Registrar General of Births, cost of the petition be borne by the petitioners and such other order as may be required.



The social Welfare Officer, Nivoneia Kikaho was appointed to investigate the matter and file social enquiry report in court, which task she did.

During hearing of the petition, Miss Upendo Msuya, learned advocate submitted that the petitioners are married couple who are residents of Arusha and they have been staying with the child 'G', taking care of her and maintaining the same from the time they took her from Samaritan Village. They are 43 and 40 years old respectively. They are not blessed with any child.

Besides that, the learned counsel said the petitioners are businessman/woman, they are willing to adopt the child and undertake to provide her with all necessary and or basic needs including education. They have not received any gift or advantage from any person in consideration of the adopting the child and that they are not related to the child.

Also, the counsel said the infant child was deserted at Moshono area in Arusha and Kaloleni hospital when she was three (3) days old and she was sent to Samaritan Village on 10/10/2020. Her biological parents are not known of their whereabouts. The counsel said the child is Tanzanian born on 07/10/2020 at USA River, Arusha.

Apart from that, the Social Welfare officer and *Guardian ad litem*, one, Nivoneia Kikaho, submitted that she made a social inquiry on the matter and filed the report in court. She involved the Commissioner for Social Welfare in Dodoma who consented that the child be adopted by the petitioners for they had a foster care of the infant child for six (6) months. According to her, she was satisfied that the petitioners are legible to adopt the child 'G'.

From the pleadings and oral submissions, the major issue for determination is whether the petition has merits or otherwise.

It is apparent that the child 'G' was deserted at the age of three days and the biological parents are not known of their whereabouts to date. The child is three years old now who requires close care and attention. She supposes to get provided with necessary and basic needs.

In this application, the petitioners have means of taking care of the child, they are willing to adopt the child, they have been taking care of the child right from when the child was sent to Samaritan Village on 10/10/2020, over and above six months.

Furthermore, the Commissioner for Social Welfare has consented that the petitioners be allowed to adopt the child. Therefore, they are legible to adopt the child.



In law, the petition for adoption of the infant child can be granted if it is for the best interest of the child. In this petition, it is of no doubt that the petition is for the best interest of the child and the petitioners have met all necessary requirements under sections 56(1)(3) and 59 (1)(2) of the Law of the Child Act, No. 21 of 2009 (R. E 2019).

Therefore, the petition for adoption of the child 'G'(name to be specified in the adoption order) is found merited and it is hereby granted under section 54(1) of the law of the Child Act, No.21 of 2009 (R. E 2019) and it is hereby ordered that the child 'G' shall be known as HEAVEN LIGHT DANIEL MSECHU and the adoption order be served upon Registrar General of Births for making an entry into the register per section 70 of the Law of the Child Act No.21 of 2009 (R. E 2019). The Social Welfare Officer shall undertake a monitoring visit to the home of the petitioners/ adoptive parents three months after this order as per Regulation 16(1) of the Adoption of Children Regulations.

Order accordingly.



F. H. KIWONDE

JUDGE

28/02/2024

Court: Ruling is delivered in chamber in the presence of Miss Upendo Msuya, counsel for the petitioners, the petitioners themselves, the Social Welfare officer and guardian ad litem one Nivoneia Kikaho and Maryciana Mgasa (RMA) this 28th February 2024 and right of appeal is explained.



A handwritten signature in blue ink, appearing to be "F. H. Kiwonde", is written above the printed name.

F. H. KIWONDE

JUDGE

28/02/2024