

KENYA / JUDGMENT

KDN v SMN & 2 others [2025] KEHC 8285 (KLR)

[2025] KEHC 8285 (KLR)

COURT

High Court

BEFORE

CJ Kendagor

CASE / FILE NUMBER

Miscellaneous Case E084 of 2025

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KDN v SMN & 2 others (Miscellaneous Case E084 of 2025) [2025] KEHC 8285 (KLR) (Family) (22 May 2025) (Award)

Neutral citation:

[2025] KEHC 8285 (KLR)

Republic of Kenya

In the High Court at Nairobi (Milimani Law Courts)

Family

Miscellaneous Case E084 of 2025

CJ Kendagor, J

May 22, 2025

Between

KDN

Applicant

and

SMN

1st Respondent

Attorney General

2nd Respondent

Deaths Department

3rd Respondent

Award

1. The Applicant K.D.N has submitted the application dated 25th March, 2025 against S.M.N., who is the biological mother of G.J.N., as well as the 2nd and 3rd respondents, who are state officers.
2. The Applicant is seeking for the following orders;a.That the Honourable Court be pleased to direct the 2nd and 3rd Respondents to remove, delete and/or strike out the name of the Applicant from the Birth Certificate Number 000XXX177 Entry Number 0264XXX642 belonging to GNJN (minor);b.That this Honourable Court be pleased to direct the 2nd and 3rd Respondents to issue the child with another Birth Certificate which does not bear the name of the Applicant;c.That cost of this application be provided for.
3. The 1st Respondent attended Court at the hearing of the application and stated that she had no objection to the orders sought.
4. The 2nd and 3rd Respondents entered an appearance but did not file a response, and neither attended the Court session at the hearing.
5. The application was treated as unopposed.
6. The facts disclosed on the face of the application indicate that the Applicant's name was recorded as the biological father of the Child at birth, a designation made at the request of the 1st Respondent. Subsequently, a DNA test was conducted at the Applicant's initiative, and the results, included as an annexure to this application, conclusively demonstrated that the Applicant is not the biological father of the Child.
7. The 1st Respondent did not oppose the application, which may indicate an acknowledgement of the issues raised. The parties involved are not legally married, and there is no evidence to suggest that their romantic relationship still exists or that they share living circumstances. Consequently, there is no basis for inferring any acquired parental responsibility over the Applicant.
8. Disposition;i.The Application dated 25th March, 2025 is allowed with no order as to costs.ii.The Applicant's name shall be deleted from the Child's birth certificate.iii.The 3rd Respondent shall issue a new birth certificate for the Child that does not include the name of the Applicant. In doing so, the 3rd Respondent will have the discretion to include any pertinent information that may be relevant for the entries on the birth certificate, ensuring that all details are accurate. This process aims to uphold the integrity of the Child's identity while complying with legal standards.
9. It is so ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 22ND DAY OF MAY, 2025. C. KENDAGOR.....JUDGEIn the presence of: Court Assistant: Beryl

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