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**IN THE COURT OF XIII ADDL. CITY CIVIL & SESSIONS JUDGE,  
MAYOHALL UNIT, BENGALURU (CCH-22)**

**Present: Sri S. Sudindranath, LL.M., M.B.L.,  
XIII ADDL. CITY CIVIL & SESSIONS JUDGE  
BENGALURU.**

**Misc. No.25094/2022**

**Dated this 12<sup>th</sup> day of August 2022**

- Petitioners:-**
- 1) Mr. Amit Kumar Panigrahi,  
Aged about 43 years,  
S/o Late Mr. Satya Ranjan Panigrahi,
  - 2) Mrs. Jaya Pati,  
Aged about 35 years,  
W/o Mr. Amit Kumar Panigrahi,  
Both residents of No.2/38,  
4<sup>th</sup> Floor, 2<sup>nd</sup> Cross, 2<sup>nd</sup> Main,  
Chikadugodi, Bangalore-29.
  - 3) Paraspara Adoption Centre,  
Unit of Paraspara Trust ®,  
Represented by Smt. K.N. Baghyalakshmi  
Executive Director of the Trust,  
Having office at No.182, Netravathi Layout,  
Vidyaranyapura Post, Bangalore-97 And  
Adoption Centre at No.924, Adarsha Nagar,  
Arishnakunta, Nelamangala,  
Bangalore Rural District.

**(Rep. By Sri S. Chandrashekar, Advocate)**

**V/S**

**Respondent:- -Nil-**

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**:ORDERS:**

This is a petition under section 56, 57, 58 and 61 of the Juvenile Justice (Care And Protection Of Children) Act, 2015 seeking Adoption Order in respect of the adoption of the female child aged about 8 months [DOB: 25/11/2021] previously named Shreeja and now named Devangi Panigrahi, by the Prospective Adoptive Parents viz. petitioner Nos. 1 and 2 through the Specialized Adoption Agency viz. the petitioner No. 3.

2) Since this is non-adversarial litigation, on filing of the petition, this court posted the matter for enquiry as contemplated under section 61 of Juvenile Justice Act.

3) In the enquiry, petitioner No. 1 to 3 have examined themselves as PW 1 to P.W. 3 and got marked the documents at Ex. P 1 to Ex. P. 20.

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4) At the time of enquiry, I have also had opportunity to observe the level of comfort between the child and the prospective adoptive parents and I have also enquired to ensure that no gratification other than the official fees has passed hands between the prospective adoptive parents and the specialized adoption agency.

5) Thereafter I have heard the learned counsel for petitioners and reserved the matter for orders.

6) The only point that arises for my consideration is:

**Whether this is a fit case to pass orders for the adoption of the child by the prospective adoptive parents viz. petitioner No. 1 and 2?**

7) My answer to the above point is in the **affirmative** for the following:

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**:: REASONS ::**

8) The facts in brief, as forthcoming from the petition and the material on record, are that, the female child previously named Shreeja and now named Devangi Panigrahi presently aged about 8 months (date of birth: 25/11/2021) was found abandoned near Duggalamma Gudi, CB Pura Road, Vijayapura Town, Devanahalli Taluk , Bangalore district and in this regard CR 140/2021 was registered on 25/11/2021 and thereafter the child welfare committee directed for placement of the said child in the custody of the petitioner No. 3. After making efforts to trace out the parents of the child by way of paper publication and since no one came forward to claim the child even after 2 months of paper publication, the child welfare committee passed an order declaring the child legally free for adoption. Thereafter, the child was referred to petitioner No. 1 and 2 who had registered themselves seeking a child in adoption, in view of the favourable

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home study report which had already been submitted in respect of petitioner No. 1 and 2. The petitioner No. 1 and 2 accepted to adopt the child and in token thereof, they have signed the child study report as well as the medical examination report of the child. Thereafter, the child welfare committee in its proceedings dated 23/05/2022 held that the petitioner 1 and 2 are suitable to adopt the child. Thereafter the child has been given to the pre-foster care of the petitioner No. 1 and 2 as per the pre-foster care undertaking executed by them on 02/06/2022. At this stage, the petitioners have come before the court seeking adoption order from the court.

9) At this stage, the procedure prescribed under the JJ Act and Adoption Regulations in respect of adoption by Indian parents, as well as the factors to be considered by the court at the time of issuing adoption order may be briefly considered.

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10) The objective of adoption under the Juvenile Justice Act is to ensure right of family to the orphan, abandoned and surrendered children. Therefore, needless to state, the principal consideration before the court and before the concerned authorities is always that the interest and welfare of the child shall have paramount consideration.

11) The procedure prescribed for adoption by Indian Prospective Parents is that the Prospective adoptive parents apply to specialized adoption agency and the specialized adoption agency prepares home report of adoptive parents and if the home report is positive i.e. if they are found eligible, then the specialized adoption agency refers a child declared free for adoption to the prospective parents and at time of referring the child to prospective parents, the reference shall be accompanied by child study report and medical report of the child. On receiving the acceptance of the child from prospecting parents

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along with child's study report and medical report of child signed by the prospective adoptive parents, the child will be given in pre-adoption foster care to the prospective parents. It is at this stage that application is made to the court for passing adoption order.

12) At the time of considering the application seeking adoption order, the court shall keep in mind that the welfare and interest of the child is of paramount importance. The court should see whether the procedure for adoption as laid down by the JJ Act and Adoption Regulations are complied with. Then the court should also see whether the prospective adoptive parents fulfill the requirements laid down by the JJ Act and Adoption Regulations. The prospective adoptive parents should fulfill the following criteria as laid down by section 57 of the JJ Act;

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The prospective adoptive parents shall be physically fit, financially sound, mentally alert and highly motivated to adopt a child for providing a good upbringing to him.

In case of a couple, the consent of both the spouses for the adoption shall be required.

13) In addition to the above qualifications laid down by the Act, the Adoption Regulations further insists that the prospective adoptive parents should be mentally, physically and emotionally stable and they shall not have any life threatening diseases and also financially capable. Further, in case of a child up to 4 years, the composite age of both parents shall not exceed 90 years and further there shall be minimum age difference of 25 years between the child and both the prospective adoptive parents and prospective adoptive parents should have 2 years of stable marriage and both should consent for adoption.

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14) After ensuring that the prospective adoptive parents satisfy the aforestated criteria, as per section 61 of the act, the court shall satisfy itself regarding the following factors;

- i. the adoption is for the welfare of the child;
- ii. due consideration is given to the wishes of the child having regard to the age and understanding of the child; and
- iii. that neither the prospective adoptive parents has given or agreed to give nor the specialised adoption agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority towards the adoption fees or service charge or child care corpus.

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15) In the background of the above legal and factual position, let me now analyze whether the present case is a fit case to issue adoption order as prayed for.

16) Insofar as the child is concerned, the child was found abandoned near Duggalamma Gudi, CB Pura Road, Vijayapura Town, Devanahalli Taluk , Bangalore district and in this regard CR 140/2021 was registered on 25/11/2021 as per Ex.P. 11. Thereafter the child welfare committee directed for placement of the said child in the custody of the petitioner No. 3 as per Ex.P. 12. Inspite of newspaper publication as per Ex.P. 13, since no one came forward to claim the child even after 2 months of paper publication, the child welfare committee passed an order declaring the child legally free for adoption as per Ex.P. 14. Therefore it is clear that the child is capable of being given in adoption.

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17) Insofar as the specialized adoption agency is concerned, the Certificate at Ex. P. 9 issued by the Government of Karnataka, Women and Child Development Department shows that, the Petitioner No. 3 - institution is adoption centre recognized by the Government of Karnataka for doing in-country adoption. Therefore it is clear that petitioner No. 3 is a recognized specialized adoption agency, which is situated within the jurisdiction of this court and therefore the present petition seeking adoption order is maintainable before this court.

18) Now turning to the question whether the prospective adoptive parents fulfill all the criteria laid down by the JJ Act and Adoption Regulations is concerned, at the outset, there is the home study report of adoptive parents at Ex. P. 17 prepared by social worker recommending that they are fit for adopting a child. Petitioners 1 and 2 are legally married husband and wife and their marriage certificate is on record at Ex. P. 2 and both of them are

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willing to take the child in adoption. As per the affidavit evidence of Petitioner No. 1, he is Master Degree Holder in Computer Application and as per his salary slips and Income Tax returns, he is earning good salary of approximately Rs. 60,000/= per month. The Petitioner No. 2 although highly educated is presently home maker and hence, can devote her time and attention to the child. On basis of this material, it can be concluded that, the adoptive parents are financially capable of looking after the child. Moreover, as the adoptive parents have no children, the adopted child will be looked after with all love and attention. Therefore I am satisfied that, the Petitioner No. 1 and 2 are mentally, physically and emotionally stable with a good financial background and therefore they fulfill the criteria to be prospective adoptive parents. Insofar as the cumulative age of petitioners 1 and 2 is concerned, petitioner No.1 was born in 1979 and Petitioner No. 2 was born in 1986 as per their respective Adhar

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Cards at Ex.P. 1 and Ex.P. 7 and therefore, they are aged about 42 years and 35 years respectively and therefore, their cumulative age does not exceed 90 years and they have had more than 2 years of stable marriage, since they were married on 05/02/2010, as per the marriage certificate at Ex. P. 2. Hence they are competent to adopt a child below 4 years. The age difference between the child and both parents also exceeds 25 years and therefore, the said condition is also satisfied. Therefore, petitioners 1 and 2 fulfill all the criteria laid down by the JJ Act and the Adoption Regulations and are competent to adopt the child in question.

19) As noted supra the principal consideration and in fact the Paramount consideration before court is the welfare of the child. In this regard, for reasons already noted, it is clear that the child will have a good future if given in adoption to petitioner No. 1 and 2. Therefore, considering the overall background of

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petitioners 1 and 2, I am satisfied that it is in the interest and welfare of the child to be given in adoption to petitioners 1 and 2.

20) Insofar as the wishes of the child is concerned, considering that the date of birth of the child is 25/11/2021, the child is presently aged only about 8 months and therefore the question of seeking the child's wishes and views regarding adoption does not arise. As already noted supra, I have satisfied myself that there has been no exchange of consideration or money, other than the official fee, between the specialized adoption agency and the prospective adoptive parents.

21) In view of the above discussion I hold that the procedure as required for valid adoption (in-country adoption) by Indian prospective parents has been followed in this case. The child in question, as well as the prospective adoptive parents, fulfill all the criteria laid down by the JJ Act and Adoption Regulations. The

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prospective adoptive parents are also very keen to adopt the child since they do not have any children from their marriage and they have undertaken that they shall give the child all rights and privileges and look after the child, as their naturally born child. I am satisfied that the adoption is for the welfare of the child. Therefore answering the point for consideration in the **affirmative** I proceed to pass the following :

**:: ORDER ::**

**The petition is allowed.**

**Adoption order is issued in respect of adoption by Petitioner No. 1 – Mr. Amit Kumar Panigrahi and Petitioner No. 2 – Mrs. Jaya Pati of the female child born on 25/11/2021 previously named Shreeja and now named Devangi Panigrahi.**

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**Consequently all effects of legal and valid adoption as laid down by Section 63 of Juvenile Justice (Care And Protection Of Children) Act, 2015 shall follow i.e. the said child previously named Shreeja and now named Devangi Panigrahi, shall become the child of Petitioner No. 1 and 2 and the Petitioner No. 1 and 2 shall become the parents of the child, as if the child had been born to them, for all purposes, including intestacy, with effect from date of this Order.**

**The Specialized Adoption Agency shall apply to the Birth Certificate Issuing Authority immediately and obtain the birth certificate of the child showing the petitioners No. 1 and 2 as the parents of the child, as provided under Regulation 12 (10) of Adoption Regulations, 2017 and the said**

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**authority shall issue the Birth Certificate within 5  
working days as required under Regulation 36 of  
the Adoption Regulations, 2017.**

[Dictated using Dragon Professional Speech Recognition Software Version 15.3,  
transcript revised, corrected, signed and then pronounced by me in open court on this the  
12<sup>th</sup> day of August, 2022]

**(Sri. S. Sudindranath)**  
XIII ADDL.CITY CIVIL AND SESSIONS JUDGE  
MAYOHALL UNIT; BANGALORE.

**:ANNEXURE:**

**WITNESSES EXAMINED FOR PETITIONER:**

P.W.1 : Mr. Amit Kumar Panigrahi S/o Late Mr. Satya  
Ranjan Panigrahi.

P.W.2 : Mrs. Jaya Pati W/o Mr. Amit Kumar Panigrahi

P.W.3 : K.N. Bhagyalakshmi

**DOCUMENTS MARKED FOR PETITIONER:**

Ex.P1 : Notarized copy of Aadhar Card

Ex.P2 : Original marriage certificate

Ex.P3 : Three Salary slips along with income tax returns

Ex.P4 : Medical certificate along with medical reports

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- Ex.P5 : Undertaking of petitioners No.1 & 2
- Ex.P6 : Undertaking of the guardian
- Ex.P7 : Notarized copy of Aadhar card of P.W-2
- Ex.P8 : Medical certificate along with medical record of P.W-2
- Ex.P9 : Renewal certificate issued by Govt. of Karnataka
- Ex.P10 : Notarized copy of ID Card
- Ex.P11 : Copy of FIR in Cr.No.140/2021
- Ex.P12 : Order of placement of child in institute
- Ex.P13 : Newspaper publication
- Ex.P14 : Certificate declaring child legally free of adoption
- Ex.P15 : Child study report
- Ex.P16 : Medical examination report of child along with medical reports
- Ex.P17 : Home study report of petitioners No.1 & 2
- Ex.P18 : Two Recommendation letters
- Ex.P19 : Pre-adoption Foster Care undertaking
- Ex.P20 : Proceedings of adoption committee

**WITNESSES EXAMINED FOR RESPONDENTS:**

-Nil-

**DOCUMENTS MARKED FOR DEFENDANTS:**

-Nil-

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