

KABC0A0033822022



**IN THE COURT OF THE IV ADDL. CITY CIVIL AND
SESSIONS JUDGE MAYO HALL UNIT,
BENGALURU
(CCH-21)**

Dated: This the 10th day of October, 2022

PRESENT:

**SRI. V. Nagaraja, LLB, LLM, PGD in CLCF.,
IV Addl. City Civil and Sessions Judge, Bengaluru**

Misc.No.25095/2022

Petitioners:- 1. **Mr. Sudhir,**
S/o Mr. Sundara,
Aged about 39 years,

2. **Mrs. Devaki,**
W/o Sudhir,
Aged about 33 years,

*Both are R/at No.9-206(P),
Rajeeva Nagar,
Nejar, 1st Cross,
Santhekatte Post, Udupi,
Karnataka-576105.*

3. **Vishranthi Trust,**

*Having its registered office at,
No.19, Primerose Road, Free Masons
Hall, Richmond Town, Bengaluru-25.
**Rep. By its Social Worker
Mr. Shivaraj G.***

[By Sri. E. X. Antony - Advocate]

Vs.

Respondent: *Nil*

ADOPTION ORDER

*The present petition has been filed under Sections-61 of
the Juvenile Justice (Care & Protection of Child) Act, 2015,
by specialized adoption agency (petitioner No.3) along with
prospective adoptive parents (petitioner No.1 and 2) **seeking
for an adoption order to adopt female minor child
namely Hanika S. who born on 14.02.2022.***

*2. The 3rd petitioner – Vishranthi Trust, which is
recognized by Department of Women and child Development,
Government of Karnataka, represented by its social worker
has sought for permission to give the female minor child*

namely "Vaishali" (old name) now new name is "Hanika S", who born on 14.02.2022, in adoption to the 1st and 2nd petitioners.

3. In view of Circular issued by Hon'ble High Court of Karnataka in RSB 87/2014 dtd.28.06.2022 and also letter dtd.22.10.2020 addressed by Central Adoption Resource Authority (CARA) to Hon'ble Registrar General High Court of Karnataka, wherein it is clearly stated that in view of detailed procedure prescribed in Juvenile Justice Act 2015 and Adoption regulations 2017, there is no requirement of any external agency/scrutinizing agency for Scrutinizing the documents because adoption process is entirely online and governed under adoption regulations 2017, so in order to avoid unnecessary delay in disposal of the case, calling report from scrutinizing agency be dispensed with, accordingly same is dispensed with.

4. **Facts of the petition may sum-up thus:**

That petitioner No.1, Mr. Sudhir and Petitioner No.2, Mrs. Devaki are couple of Indian Nationals and Hindus by

religion and their marriage was solemnized on 17.02.2014 at Udupi and said marriage has been registered on 25.03.2019, before Registrar of Marriage, Udupi. The petitioners are permanent residents of Rajeeva Nagar in Udupi. It is further averred that though the petitioners were married in the 2014 itself, but they couldn't have their own biological child due to their medical reasons and also their advanced age, hence they have decided to adopt child from institution, so they approached petitioner No.3 – Vishranthi Trust, recognized by Government of Karnataka, which is rendering service of in-country adoption. Whereas 3rd petitioner, on considering the facts that 1st petitioner is self employed as painter and coconut plucker, in his profession he earns monthly income Rs.30,000/- and 2nd petitioner also self employed as Tailor and in her profession, she earns monthly income Rs.10,000/- that is to say on considering their Social, Economical and Physical status of the petitioner No.1 and 2 and after following all procedures contemplated for adoption under Juvenile Justice (Care and protection of child) Act, 2015 and adoption regulation, 2017, the 3rd

petitioner has given female minor child namely Vaishali, born on 14.02.2022 (who is abandoned child) to 1st and 2nd petitioner as pre-adoption foster care. Now they are in care and custody of 1st and 2nd petitioner and they agreed to adopt this female minor child by changing her name as “Hanika S”, (old name Vaishali) and 3rd petitioner is agreed to give said female minor child in adoption to the 1st and 2nd petitioner and filed this petition seeking for an order of adoption by this court.

5. On enquiry, petitioners No.1 to 3 have been examined as P.Ws.1 to 3 and got documents marked Exs.P.1 to Ex.P.18.

6. I have heard arguments of learned counsel for petitioner.

7. Perused the records, after perusal, the points arise for my consideration are:-

1. Whether proposed adoption is for the welfare and best interest of the female minor child?

2. what order?

8. My findings on the above said points are as follows:-

POINT No.1 :- In the **affirmative**,
POINT No.2 :- As per final order
for the following:-

REASONS

9. **POINT No.1**:- As I have already noted, petitioners No.1 to 3 have been examined as P.Ws.1 to 3 and got documents marked Exs.P.1 to Ex.P.18.

10. On perusal of oral evidence of PW.1 to PW.3 and on perusal of documents, they clearly establish the process and procedure followed by the petitioners for in-country adoption of orphan or abandoned and surrender child as required u/sec.58 of Juvenile Justice (Care and Protection of Child) Act, 2015 and Regulations No.9 to 12 of Adoption Regulations 2017, that is to say on perusal of copy of proceedings of Govt. of Karnataka and license certificate

clearly reveal that Govt. has given license to petitioner No.3 for rendering service with respect to in-country adoption. On perusal of Ex.P14 order of placement of child in institution, Ex.P15 deed of surrender executed by biological mother of the child and Ex.P16 declaring the child legally free for adoption by CWC, Ex.P17 child study report, Ex.P18 medical report of the child, clearly establishes that the petitioners No.1 to 3 have followed the due compliance of process and procedure prescribed for in-country adoption.

11. Now the crucial question arises whether proposed adoption is for the best interest and welfare of the minor child?

12. It is significant to note, on perusal of Ex.P2 Marriage registration certificate of 1st and 2nd petitioner and Ex.P1 and P9 Aadhaar cards of petitioners No.1 and 2, clearly establish, that both petitioners No.1 and 2 are Indian Citizens and their marriage was solemnized on 17.02.2014, at Kalyanapura, Udupi and said marriage was registered on

25.03.2019.

13. It is significant to note, evidence reveals that though they were married in the year 2014 itself, but they couldn't have their own biological child due to their advanced age and medical reasons, hence they have decided to adopt child from institution, so they approached 3rd petitioner Authorized Adoption Agency and after following above said process and procedure they are willing to adopt present female minor child "Hanika S." (old name Vaishali).

14. Whereas on perusal of Ex.P3 income certificate of 1st petitioner and Ex.P10 income certificate of 2nd petitioner, Ex.P8 and 12 medical certificates of petitioner No.1 and 2 and on perusal of Ex.P13 home study report given by Krishananugraha Charitable Trust, Udupi and on perusal of Ex.P7 pre-adoption undertaking affidavit clearly reveal that petitioners are self employees and earning almost 5,35,000/- annual income. So they are having sufficient financial capacity to adopt the child and on perusal of home

study report the petitioner No.1 and 2, it shows that they are having good social and cultural background.

15. So, on considering the above oral & documentary evidence, they clearly establishes that prospective adoptive parents/petitioner No.1 & 2, are physically fit and financially sound and having good social & cultural background. Moreover, they are voluntarily willing to adopt the above said child for providing good upbringing to her and also they are ensuring the family atmosphere to above said surrendered child by way of proposed adoption.

16. Hence, I am of the clear opinion the proposed adoption is for the best interest and welfare of the child and the petitioner No.1 & 2 are capable of taking care of above female minor child and ensure family atmosphere that is love and affection to the said child, which is very much required. It is further significant to note, that the proposed adoption appears to be not for any reward or monetary

consideration. Hence, order of adoption may be granted.

Hence, I hold this point No.1 **in the affirmative.**

18. **POINT No.2:-** For the foregoing reasons, I proceed to pass the following :-

ORDER

Petition filed under sections-61 of the Juvenile Justice (Care & Protection of Children) Act, 2015, is hereby allowed.

Petitioner Nos.1 Sri. Mr. Sudhir and his wife, 2nd petitioner, Mrs. Devaki are permitted to take in adoption of female minor child, namely ‘Hanika S’ (previous name ‘Vaishali’) who born on 14.02.2022 from third petitioner.

The 3rd petitioner is permitted to give the above said minor female child in adoption to the Petitioner No.1 and 2.

Petitioners are at liberty to get registered adoption deed.

Office is directed to send a copy of this Order to the Secretary, Karnataka State Council for Child Welfare, Bengaluru, at the cost of the petitioners.

The 3rd petitioner is also directed to report regarding this adoption order to concerned authorities for further necessary action.

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*(Dictated to the Stenographer directly on computer, after computerization, corrected, signed and then pronounced by me in the open Court on this the **10th day of October, 2022**)*

(V. Nagaraja)
*IV ACC & SJ., Mayo Hall Unit,
Bengaluru.*

ANNEXURE**1. List of witnesses examined for petitioners**

<i>P.W.1</i>	<i>Mr. Sudhir</i>
<i>P.W.2</i>	<i>Mrs. Devaki</i>
<i>P.W.3</i>	<i>Mr. Shivaraj G.</i>

2. List of witnesses examined for respondent/s:

NIL

3. List of documents exhibited for petitioner/s:

<i>Ex.P.1</i>	<i>Attested copy of Adhaar Card of Sudhir</i>
<i>Ex.P.2</i>	<i>Attested copy of certificate of Registration of Hindu Marriage</i>
<i>Ex.P.3</i>	<i>Income Certificate of PW.1</i>
<i>Ex.P.4</i>	<i>IT returns acknowledgment of PW.1</i>
<i>Ex.P.5</i>	<i>Notarized copy of sale deed</i>
<i>Ex.P.6</i>	<i>Undertaking</i>
<i>Ex.P.7</i>	<i>Affidavit cum declaration</i>
<i>Ex.P.8</i>	<i>Medical Certificate of PW.1</i>
<i>Ex.P.9</i>	<i>Notarized copy of Aadhaar card of PW.2</i>

- Ex.P.10 Income Certificate of PW.2*
- Ex.P.11 IT returns acknowledgment of PW.2*
- Ex.P.12 Medical Certificate of PW.2*
- Ex.P.13 Home Study Report of prospective
adoptive parents*
- Ex.P.14 Order passed by CWC*
- Ex.P.15 Deed of surrender*
- Ex.P.16 Certificate declaring that child is legally
free for adoption*
- Ex.P. 17 Child Study Report*
- Ex.P. 18 Medical examination report of the child*

4. List of documents exhibited for respondent/s:

Nil

(V. Nagaraja)
IV Addl. City Civil & Seession Judge,
Mayo Hall, Bengaluru.

(Order pronounced vide separate order)

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(V. Nagaraja)

*IV Addl. City Civil & Session Judge,
Mayo Hall, Bengaluru.*

