



**IN THE COURT OF 5th ADDL. DISTRICT & SESSIONS JUDGE,  
AHMEDABAD [RURAL] AT NAVRANGPURA**

**Civil Misc. Application No. 395 of 2025**

**Exh. \_\_\_\_\_**

- Applicants:**
- 1. Anil Venugopal Nair**  
Age: 38 years, Occupation: Service,
  - 2. Heena Kanaiyalal Lalwani**  
Age: 30 years, Occu.: Service,  
Both Residing at: A2-123, Orchid Greenfield  
Applewoods Township, Shantipura circle,  
Shela VTC, Shela, Ahmedabad.
  - 3. Belaben Ashokkumar Yadav**  
Age: 36 years, Occu.: Service,  
Residing at: C/o. Mrs. Annie Ajay Kuruvilla,  
A-87, Shreeji Bungalows Sunpharma road,  
Atladra, Vadodara.

**Subject : Application for Adoption under the Provisions of  
Section 2, 5, 6, 9, 10, 15 & 16 of the Hindu Adoption  
and Maintenance Act, 1956.**

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**Appearance :**

Mr. Ajit Nair, Learned Advocate for the applicants.

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**:: JUDGMENT ::**

1. Present application under order has been preferred by the applicants/petitioners (hereinafter referred as 'applicants'),

under the provisions of Section 2, 5, 6, 9, 10, 15 & 16 of the Hindu Adoption and Maintenance Act, 1956 (hereinafter referred as 'HAMA') for adopting minor child "Aastha" and for seeking permission of this court to make necessary changes in the name of minor child namely "Aastha" by replacing the name of biological father Ashokkumar Rajkumar Yadav with the name of adopter father Anil Venugopal Nair and also by replacing the name of biological mother Belaben Ashokkumar Yadav with the name of adopter mother Heena Kanaiyalal Lalwani for issuance of directions by this court to the concerned Officer of Department of Health (Birth & Death records) for making necessary amendments in the name of minor child Aastha in the relevant records accordingly.

2. Brief facts of the matter are that the applicant No.3 was married to one Mr. Ashokkumar Rajkumar Yadav on 31/05/2015. Out of the said wedlock, a female child namely Aastha was born on 18/06/2022. The birth of the minor child came to be registered at Serial No. 4038 on 23/08/2022 in the relevant records. It is stated that on 08/02/2022, i.e., prior to the birth of the child Aastha, the husband of applicant No.3 deserted the family and

absconded, and has not returned till date despite the lapse of almost four years. Consequently, the custody of minor children, namely Aastha and her elder brother Alok (aged about 6 years), remained with applicant No.3. It is further contended that applicant No.3, due to her poor financial condition and meagre income earned through odd jobs, was unable to maintain and accommodate both her children. Therefore, in the year 2023, she shifted along with her children to Missionaries of Charity, Makarpura, Vadodara. During her stay there, one Mrs. Annie Ajay Kuruvila, who used to visit the institution for teaching and social service, came into contact with applicant No.3. Subsequently, Mrs. Annie Ajay Kuruvila employed applicant No.3 as a house-help and provided her accommodation at her residence. However, as applicant No.3 was still unable to take care of both her children, she left them under the care and custody of Missionaries of Charity. In August 2023, the said institution informed applicant No.3 that the minor child Aastha would be shifted to Baroda State Home for Women, Gotri, Vadodara, where the child stayed for a few months. However, applicant No.3 was not willing to surrender her child to the said

institution permanently. It is further stated that applicant No.3 expressed to Mrs. Annie Ajay Kuruvila her willingness to give her younger daughter Aastha in adoption due to her inability to raise both the children. Through the intervention of Mrs. Annie Ajay Kuruvila, applicant No.3 came into contact with petitioners No.1 and 2, who were childless since their marriage and were desirous of adopting a child. Accordingly, petitioners No.1 and 2 adopted the minor child Aastha by executing a Registered Adoption Deed bearing No. 2116 dated 16/03/2024 before the office of the Sub-Registrar, Vadodara.

3. It is further contended that applicant No.1 & 2 are taking all good care of the minor child and is maintaining them to his best means. It is further contended that the name of the minor child Aastha is mentioned in records including the birth certificate as Aastha Ashokkumar Yadav and the name of the biological father is suffixed to his name which is creating trouble for the minor child. It is further contended that applicant No.1 is willing to legally adopt the minor child and has already taken all the responsibilities of the minor child by way of preferring this application, is praying to substitute the name of the applicant

No.1 with the name Ashokkumar Rajkumar Yadav so that all the legal process as and when required in the name of the minor child could smoothly be done by applicant No.1 himself being the adoptive father. After being absconding of biological father of minor child, the lawful custody and all the responsibilities of the minor child is given to the applicant No.3 being biological mother. It is further prayed that necessary directions be issued to the concerned officials of birth records for making necessary amendments in the name of the minor child by substituting the name of applicant No.1 in place of Ashokkumar Rajkumar Yadav in the relevant records including birth certificate of minor child.

It has also come on record that the applicants No.1&2 have adopted the minor child Aastha by Adoption deed bearing registration No.2116 dated 16/03/2024 and has also registered the same before the Ld. Sub-registrar of concerned area. Thereafter, the minor is residing with applicants No.1&2.

4. Upon present petition being filed, public notice was issued and published in the Daily newspaper "Gujarat Samachar" on 26/09/2025 for inviting objections from public at large, if any, but

till date no objections have been received by this Court from any third person or public at large regarding present application under order. Applicant No.1 and No.2 have tendered their evidence affidavit vide Exh.7 and have relied upon the following documents:

**Documentary Evidence:**

<b>Sr. No.</b>	<b>Exh.</b>	<b>Documents</b>
1	11	Birth certificate of minor Aastha
2	12	Adoption deed
3	13	Marriage certificate of applicants

5. Ld. Advocate Mr. Ajit Nair appeared on behalf of applicants and argued the matter. During arguments Ld. Advocate for the applicant reiterated the contents of the application under order and further submitted that applicants No.1&2 have already adopted the minor child vide Adoption deed No.2116 dated 16/03/2024 now praying for the relief of amendment in name of minor child only. It is further submitted that minor child Aastha is facing grave hardship due to name of his biological father being suffixed to her. It is further submitted that for admission in good school, for getting passport and for other necessary legal

proceedings like opening of bank account etc., correct name of the minor child is required and as the biological father is absconding, the minor child is in urgent need of amendment in her name by substituting the name of his adopter father Anil Venugopal Nair. It is further submitted that applicant is ready to abide by all the conditions deem necessary by this court to be imposed while allowing the present application. It is further submitted that present application has been filed under the relevant provisions of law and this court has power for granting the present application and the relief as prayed in the application under order.

6. I have heard Ld. Advocate for the applicant and have perused the entire judicial record including the documents annexed with the application / petition of the present applicant. After hearing the Ld. Advocate for the applicant and perusing the entire judicial record, following points arises for final determination of this application:

**:: POINTS ::**

- 1) Whether the applicant proves that the applicant is entitled to seek amendment/change in name of minor child and

the same is in the welfare and interest of the minor child ?

2) What order ?

7. Considering facts and circumstances of present matter, provisions of law and all the evidences produced in support of the application, I decide points arisen for the determination of the application as under:

Point No.1 : In affirmative.

Point No.2 : As per final order.

**:: REASONS ::**

8. This court consider it imperative to discuss relevant provisions of law while deciding the present application under order. Section 9, Section 10 and Section 16 of the Hindu Adoption & Maintenance Act reads as under:

***9. Persons capable of giving in adoption-***

*(1) No person except the father or mother or the guardian of a child shall have the capacity to give the child in adoption.*

*(2) Subject to the provisions of sub-section (3) and sub-section (4), the father, if alive, shall alone have the right to give in adoption, but such right shall not be exercised save with the consent of the mother unless the mother has completely*

*and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.*

*(3) The mother may give the child in adoption if the father is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.*

*(4) Where both the father and mother are dead or have completely and finally renounced the world or have abandoned the child or have been declared by a court of competent jurisdiction to be of unsound mind or where the parentage of the child is not known, the guardian of the child may give the child in adoption with the previous permission of the court to any person including the guardian himself.*

*(5) Before granting permission to a guardian under sub-section (4) the court shall be satisfied that the adoption will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child having regard to the age and understanding of the child and that the applicant for permission has not received or agreed to receive and that no person has made or given or agreed to make or give to the applicant any payment or reward in consideration of the adoption except such as the court may sanction.*

**10. Persons who may be adopted-**

*No person shall be capable of being taken in adoption unless the following conditions are fulfilled, namely-*

- (i) he or she is a Hindu;*
- (ii) he or she has not already been adopted;*
- (iii) he or she has not been married, unless there is a custom or usage applicable to the parties which permits persons who are married being taken in adoption;*
- (iv) he or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.*

**16. Presumption as to registered documents relating to adoption-**

*Whenever any document registered under any law for the time being in force is produced before any court purporting to record an adoption made and is signed by the person giving and the person taking the child in adoption, the court shall presume that the adoption has been made in compliance with the provisions of this Act unless and until it is disproved.*

9. Section 9 of HAMA is regarding the capability of a person to give a minor in adoption and Section 10 of HAMA is regarding the person who may be adopted. As per provisions of HAMA, only the father or mother or the guardian of a child could give a child in adoption in compliance with the other necessary requirements provided under Section 9 of HAMA.

The court is supposed to satisfy itself that the adoption is for the welfare of the child and wishes of the child needs to be considered as per the age of the minor. Section 16 of HAMA is regarding the presumption as to the registered documents relating to adoption which provides that the court is bound to presume that the adoption has been made in compliance with the provisions of HAMA if any documents registered under any law for the time being in force is produced before the court purporting to record the adoption made and is also signed by the person giving and taking the child in adoption unless the same is disproved.

In the present matter before this court, perusal of record transpires that applicant No.3 and Ashokkumar Yadav got married and minor child Aastha was born on 18/06/2022 from the said wedlock. After being absconded of Ashokkumar Yadav, the responsibilities of minor was only on applicant No.3 mother. Applicant No.1 and applicant No.2 herein got married on 10/10/2018 in Church. Applicants are not having any other child from their marriage. The applicants

No.1&2 have adopted the minor child Aastha vide adoption deed. One public notice was also published in the daily newspaper "Gujarat Samachar" on 26/09/2025 vide Exh.5 for inviting objections but till date no objections has been received by this court from anyone. As per records produced in this matter, applicant has already adopted the minor child vide adoption ceremony and applicants are now seeking permission of this court for the necessary change in name of minor child. Considering the provisions of Section 16 of HAMA, this court is bound to presume the correctness of the adoption but considering the provisions of Section 9(2) along with the fact that the biological father is not present, the applicant No.3 mother has given the minor child in adoption, cannot be saved merely by presumption under Section 16. Considering the adoption deed which was executed after filing of the present application under order, this court is of the view that now issue of adoption is not left to be decided by this court. Only thing which is to be decided is about the necessary amendment in the name of the minor child by

substituting the names of the biological father & mother with that of the adopter father & mother.

Present applicant No.3 is the biological mother of minor child with whom the minor child is residing ever since her birth and applicants No.1&2 are the adopter parents of the minor who is taking care and bearing all responsibilities of minor child since 16/03/2024. Paramount consideration while deciding any issue relating to the adoption or custody of minor is the welfare and interest of minor.

Considering the submissions made on behalf of the applicant, facts and circumstances of the present matter, relevant provisions of law and settled legal proposition in this regard, this court is of the view that applicant is entitled to seek the relief claimed in the present application and it would be in the interest and for the welfare of the minor child if the name of her biological father namely Ashokkumar Rajkumar Yadav is substituted with the name of her adopter father Anil Venugopal Nair and name of her biological mother namely Belaben Ashokkumar Yadav is substituted with the name of

her adopter mother Heena Anil Nair and necessary amendment is done in her birth certificate also for avoiding any kind of complications for the minor. Point No.1 is decided accordingly. For point No.2, I pass the following final order:

**:: FINAL ORDER ::**

- a) Present application is hereby **allowed**.
- b) The name of minor child namely "**Aastha Ashokkumar Yadav**" now to be read as "**Aastha Anil Nair**".
- c) The applicant is permitted to take necessary steps to substitute the name of minor child in the relevant records. The names of biological parents be substituted with the name of adopter parents in relevant records.
- d) The applicant is restrained to alienate, dispose of and/or do any transactions which may adversely affect the right, title, interest of minor in present or future movable and/or immovable joint family and/or ancestral properties just due to change in name, without prior permission of the court.
- e) The applicant No.1 is directed to deposit an amount of

Rs.50,000/- by way of Fixed Deposit in any nationalized bank within one month of this order, in the name of minor "Aastha" under the guardianship of her biological mother i.e. applicant No.3 till the period minor attains majority and applicant is not entitled to withdraw the interest on the same.

- f) True copy of the FDR mentioned herein above to be placed on the records of the present matter within one month of deposit of amount.
- g) It is hereby clarified that no right and title on any movable or immovable property has been established or proved by this order.
- h) It is also clarified that while allowing the present application, this Court is neither seizing nor creating any right, title and/or interest in any movable or immovable properties in name of the minor.
- i) This order will come in to force only if the applicant furnish a surety of **Rs.25,000/- (Rupees Twenty Five Thousands Only)** and personal bond of the same amount to guarantee the fulfillment of above conditions

and shall be in force from the date of furnishing bonds accordingly before this Court.

**The concerned officer(s) of the Government Department are hereby directed to carry out the necessary amendment in the name of the minor child in accordance with the order of this Court.**

**Pronounced in the open Court today on this 25<sup>th</sup> March, 2026.**

Date : 25/03/2026.  
Place: Ahmedabad

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**( Mr. Advait Surendra Vyas )**  
5th Additional District Judge,  
(Unique ID Code: GJ00709 )