

IN THE COURT OF THE XXVI ADDL. CITY CIVIL &
SESSIONS JUDGE AT MAYO HALL, BENGALURU
(CCH-20)

Present:

Sri.D.S.Vijaya Kumar, B.Sc.,LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru

Dated this the 4th day of March, 2022

Misc.No.25132/2021

Petitioners:

1. Sri.G.A.Murali
Son of Late G.P.Anandan,
Aged 41 years, Hindu

2. Smt.M.Radhika
W/o Sri.G.A.Murali,
Aged 37 years, Hindu,

Both residing at 23, Veerasamy
Street, pariyur Road, Gobichetti
Palyam, Tamil Nadu 638476

3. St.Michael's Home,
Old Madras Road,
Indiranagar,Bangalore-560 038
Represented by its incharge
Sr.Valsa Varkey

[By E.X.Antony-Advocate]

Vs.

Respondents : NIL.

O R D E R

The present petition has been filed under Section-61 of the Juvenile Justice (Care & Protection of Child) Act, 2015.

2. The 3rd petitioner has sought for permission to give the minor female child 'M.R.Yagavi Shri.', who was named earlier as 'Sidhita' in adoption to the 1st and 2nd petitioners.

3. Pursuant to the guidelines issued by the Karnataka State Council for the Child Welfare, report was called for and the Scrutiny Officer of Karnataka State Council for Child Welfare has submitted the Scrutiny Report.

4. At enquiry, 1st petitioner by name Mr.G.A.Murali, 2nd Petitioner by name Mrs.M.Radhika, and Sr.Valsa

Varkey-working as Social Worker at 3rd petitioner have been examined as P.Ws.1 to 3 and 14 documents have been exhibited as Exs.P.1 to Ex.P.14.

5. Heard Arguments and perused the records.

6. The following points would arise for my consideration :-

1) Whether adoption is for the welfare of the child?

2) To what order?

7. 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

8. POINT No.1:- Case of the petitioners, in brief, is that 1st and 2nd petitioners are husband and wife, and

their marriage was performed on 04.06.2009. Though they have been married for more than 12 years, they are not blessed with a child of their own. The 1st and 2nd petitioners tried naturally and medically to have their own biological child, but failed. Hence, they decided to resort for adoption of a child, as an alternative to have a family with children. So, 1st and 2nd petitioners approached the 3rd petitioner, which is one of the institutions, where the children will be given in adoption. The 3rd petitioner conducted detailed enquiry regarding the 1st and 2nd petitioners, through social worker and the social worker has submitted report. The 3rd petitioner informed to the 1st and 2nd petitioners that, a minor child is available for adoption and the 1st and 2nd petitioners have approved the minor child for adoption.

9. 1st and 2nd petitioners are in

good circumstances, they have good reputation and good habits and they are financially sound and they are capable of taking care of the minor child, and they bestow all love and affection on the minor child.

10. The minor child, is an abandoned and surrendered child and it is in the custody of the 3rd petitioner and the release order has been issued by the Child Welfare Committee, Bengaluru, declaring that, minor child is legally free for adoption and therefore, there is no impediment for taking the minor child in adoption by the 1st and 2nd petitioners. Petitioners 1 & 2 have paid a sum of Rs.500/- to the Karnataka State Council for Child Welfare, Bengaluru, as its scrutiny fee.

11. Unchallenged sworn testimonies of P.Ws.1 to 3 are consistent, with the facts of the petition as noted supra. Exhibited documents also corroborate the case of

petitioners, more particularly scrutiny report discloses that 1st and 2nd petitioners are Hindus, were married to each other on 04.06.2009 and they are having sufficient income, unfortunately are not blessed with a biological child and they are capable of taking care of a child and maintain the child and adoption will be for the welfare of the child.

12. Ex.P.12-Release order, discloses that the child is legally free for adoption. Therefore, there is no impediment for giving the child in adoption to 1st and 2nd petitioners by the 3rd petitioner. The 1st and 2nd petitioners are capable of taking care of minor female child, which is named as "M.R.Yagavi Shri' in adoption, and 3rd petitioner can be permitted to give the said child in adoption to the 1st and 2nd petitioners, and the adoption is for the welfare of the minor child. In view of

the testimonies of P.Ws.1 to P.W.3 and exhibited documents, consequently, Point No.1 is answered **in the affirmative.**

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

ORDER

Petition filed u/s. 61 of the Juvenile Justice (Care & Protection of Children) Act, 2015, is **hereby allowed.**

Petitioner Nos.1 and 2 are permitted to take minor female child by name **'M.R.Yagavi Shri.'** (former name **'Sidhita'**) born on 17.08.2021, in adoption from third petitioner.

The 3rd petitioner is granted permission through its authorized representative to give the

above said minor female child '**M.R.Yagavi Shri.'**

(former name '**Sidhita**') in adoption to the 1st

Petitioner G.A.Murali and 2nd Petitioner

M.Radhika.

All the three petitioners shall execute and register the Deed of Adoption within 3 months.

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.

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(Dictated to the Stenographer directly on computer, transcript thereof, is corrected and then pronounced by me on this the **4th day of March, 2022**)

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(D.S.Vijaya Kumar)

XXVI Addl. City Civil Judge
Mayo Hall, Bengaluru.

ANNEXURE

1. List of witnesses examined for petitioners

P.W.1 Sri.G.A.Murali.

P.W.2 Smt.M.Radhika.

P.W.3 Sr.Valsa Varkey

2. List of witnesses examined for respondent/s:

NIL

3. List of documents exhibited for petitioner/s:

Ex.P.1 Attested copy of Adhara Card of
Petitioner No.1

Ex.P.2 Attested copy of the Marriage
Certificate

Ex.P.3 Employment-cum-Salary Certificate of
the first petitioner.

Ex.P.4 Income Tax Intimation Form

Ex.P.5 Attested copy of the Sale Deed

Ex.P.6	Undertaking
Ex.P.7	Medical Certificate
Ex.P.8	Attested copy of the Adhara Card of Petitioner No.2
Ex.P.9	Medical certificate of 2 nd Petitioner
Ex.P.10	Home Study report
Ex.P.11	Deed of Surrender
Ex.P.12	Certificate declaring that the child is legally free for adoption.
Ex.P.13	Child Study Report
Ex.P.14	Medical Certificate of the child.

4. List of documents exhibited for respondent/s:

Nil

(D.S.VIJAYA KUMAR)
XXVI Addl. City Civil Judge,
Mayo Hall, Bengaluru.

(Order pronounced vide separate order)

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The 3rd petitioner is granted permission through its authorized representative to give the above said minor female child '**M.R.Yagavi Shri.**' (former name '**Sidhita**') in adoption to the 1st Petitioner G.A.Murali and 2nd Petitioner M.Radhika.

All the three petitioners shall execute and register the Deed of Adoption within 3 months.

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.

(D.S.VIJAYA KUMAR)

XXVI Addl. City Civil Judge,
Mayo Hall, Bengaluru.

