

Misc. Adoption 06 of 2024

Order No. 07 dated 12-02-2026

Date is fixed for order.

Petitioner files hazira through Ld. Advocate.

At the time of passing order, on perusal of the record it appears that petitioner has filed the instant application under Sec. 11 of the Hindu Adoption and Maintenance Act, 1956 praying before this court for passing an appropriate order so that the male child Abir Adhikary can be placed on adoption to the prospective adoptive of the petitioner but from the four corners of the instant petition as well as affidavit-in-chief of both the petitioner and O.P. no. 1, it would not appear whether the petitioner was previously married with any other woman or whether he has a son by that wife or not.

In order to get an order of adoption as is envisaged in Sec. 11 of Hindu Adoption and Maintenance Act, 1956, which is as follows :-

If the adoption is of a son, the adoptive father or mother by whom adoption is made must not have a Hindu son (whether by legitimate blood relationship or by adoption) living at the time of adoption.

As there has been no averment of the petitioner with regard to his first marriage, if there be any, or having any son by the said lady or not, *this court is not in position to pass any order, as prayed by the petitioner.*

So, the same requires clarification by the petitioner.

Fix 21-02-2026 for clarification.

Dictated and corrected by me.

Sd/ S. Sen
District Judge, Nadia.

Sd/- S. Sen
District Judge, Nadia.