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Ct. 19
17.09.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. 3218 of 2024

Jagannath Guha

Vs.

Manju Guha (Paul) & Anr.

Mr. Satyam Mukherjee,
Mr. Debarshi Bramha,
Mr. Purnendu Shekhar Ghosh

...For the petitioner.

Ms. Sahili Dey

...For the opposite party no. 1.

The opposite party no. 1 in her previous wedlock has a son; she became widow and married to the petitioner.

The petitioner and the opposite party no.1, with the said minor, started living together.

The opposite party no.1 had intended to give her son in adoption to the petitioner; accordingly, both of them applied for permission before the learned District Judge, Nadia in terms of Section 11 of the Hindu Adoption and Maintenance Act, 1956.

The learned District Judge, Nadia, by the order impugned has refused to grant such permission.

The permission of the District Judge is necessary in a situation contemplated under Section 11(4) of the said Act of 1956; but such situation, in the present case, is not prevailing as the biological mother of the minor is alive.

However, a permission of the District Judge has been contemplated under Regulation 52(4) of the Adoption Regulation, 2017.

The said regulation *prima facie* interferes with the Hindu personal law.

For further consideration of the said issue, notice be issued to the learned *Additional Solicitor General* and to the learned *Government Pleader* intimating that the matter will be listed in



the **supplementary list** on **November 12, 2024** under the heading '**Motion**'.

The petitioner to file affidavit-of-service on the next date of hearing.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)