

THE COURT OF BARJINDER PAL SINGH,
CIVIL JUDGE (SENIOR DIVISION),
CHANDIGARH.
(UID NO.PB0185)

HINDU ADOPTION CASE NO.	:	1
DATE OF INSTITUTION	:	04.02.2017
COMPUTER ID NO.	:	CHCH020004202017
DATE OF DECISION	:	03.03.2017

Haryana State Council for Child Welfare, Bal Vikas Bhawan, 650, Sector 16-D, Chandigarh through its Honorary General Secretary.

...Petitioner

Versus

- 1. Suresh Chandra aged 45 years, son of Sh. Krishana Chandra Singh Yadav;
- 2. Anjula Yadav, aged 45 years, wife of Sh. Suresh Chandra;

Both residents of C-304, Beet-1, Arjuna Estate, Rampur Jagir, Gautam Budha Nagar, I.A. Surajpur, Greater Noida, U.P.

...Respondents

Application under Juvenile Justice Act for giving necessary permission to the petitioner for giving Baby Nancy and Baby Priyanshi (siblings) born on 14.09.2016, in adoption and the legal custody to the respondents.

Present: Sh. Rakesh K. Sharma & Sh. G.S. Sandhu Advocates,
counsels for the petitioner.
Respondents in person.

J U D G M E N T

The petitioner has filed the instant petition under the Juvenile Justice Act for granting permission to give Baby Nancy and Baby

Priyanshi (siblings) born on 14.09.2016 in adoption and the legal custody to respondents.

2. Brief facts of the case in hand are that the petitioner-council is a society engaged in the welfare of the children and has made several Homes for such destitute children in Haryana. The said society is duly registered under the Societies Registration Act 1860 and is specialized adoption agency. The Central Adoption Resource Agency "CARA" a body constituted under the Ministry of Women & Child Development, Govt. of India, New Delhi is carrying out the welfare and adoption of the abandoned children, for intra & inter-country and Govt. of India has accorded recognition to the petitioner-council in connection with the adoption matters. The petitioner-council has been represented through Honorary General Secretary who has authorized Ms. Poonam Sood, to appear and depose in the present case. The petitioner-council has duly followed the "Guidelines" in the present case, issued vide Notification No. S.O. 1945(E) dated 17.07.2015 issued by Ministry of Women & Child Development, Government of India, framed under Juvenile Justice Act, especially keeping in view the guidelines and observations made by the Hon'ble Supreme Court of India in the case titled as "Stephanie Joan Becker vs. State and Anr" & "L.K. Pandey versus Union of India" as well as international conventions held from time to time. Hence, the petitioner-council has filed the present case before this Hon'ble court seeking permission for giving in adoption and legal custody, in compliance of the

said Guideline including Guidelines No. 12 & 18, governing the present matter. Respondent No. 1 was born on 05.07.1971 and has done B.Tech. (Mechanical) and is working in a Private Firm namely Macawber Beekay as Mechanical Engineer and is getting income of about Rs. 8,53,605/- per annum, whereas, respondent No. 2 was born on 20.12.1969. She has done B.D.S. and working as Civil Assistant Dental Surgeon with Delhi Government and getting income of Rs.12,99,888/- per annum. Respondents are enjoying good health and are living at the address mentioned aforesaid. The respondents are financially well off and are living in a very good accommodation fitted with necessary amenities. They were married on 07.12.2001 and they are living a happy married life, but from this wedlock no child was born. As such, they were always feeling a need of a female child and now the respondents have decided to adopt a child, therefore, in this regard approached the petitioner-council. The petitioner-council has agreed to give one female child namely Baby Nancy and Baby Priyanshi (siblings) to the respondents. It has been further pleaded that Baby Nancy and Baby Priyanshi (siblings) were found abandoned at Panipat. In this regard even FIR No. 989 dated 15.09.2016 has been registered at Police Station Chandigarh. The said female child were thereafter medically examined by the Doctors and their date of birth was assessed as 14.09.2016. The said female children were in the custody of Shishu Greh, Sector 15, Panchkula and the District Magistrate-cum-Chairperson Child Welfare Committee Panchkula after being fully satisfied that Baby Nancy and Baby Priyanshi (siblings) can be given in adop-

tion and has issued an order in this regard. The temporary custody of the said children is with the respondents as per the said Guideline No. 11 after following the proper procedure. The respondents are financially well off and are capable of affording the necessary expenses for upbringing and providing good education to the minors Baby Nancy and Baby Priyanshi (siblings). In fact, their future shall be very bright in case they are given the said children in adoption. The respondents undertake to shower all their love and affection on them and shall look after them in the best possible manner. The petitioner-council is an Agency which provides only a temporary home to the abandoned uncared and destitute children and is not capable of providing suitable and permanent home and family life with parental love and affection to them. Hence, it is necessary for such children to implant them in suitable families for their protection, well being and for their ultimate rehabilitation. The respondent's interest is for the welfare of the minor children and they have no adverse interest to their welfare and it would be in the best interest and welfare of the above named Baby Nancy and Baby Priyanshi (siblings) i.e. abandoned children if the respondents are appointed as their natural guardian/parent for the purpose of adopting the children as their own. The petitioner-council is registered under the Societies Registration Act 1860 at Chandigarh and has its Headquarter located at Chandigarh, as such this Court has got the territorial jurisdiction to adjudicate and decide the present case. There is no legal impediment if the petitioner is given the necessary permission to give in adoption Baby Nancy and Baby Priyanshi (siblings) to the respon-

dents and to allow them to bring them up as their own natural children.
Hence, this petition.

3. Upon notice, the respondents appeared in person, who have filed reply and admitted the pleas narrated in the application as correct.

4. Petitioner appeared through Poonam Sood, its Adoption Officer, in the witness box as PW-1, who furnished her affidavit Ex.PW1/A along with documents i.e. Authorization letter Ex.P1, report Ex.P2, copy of order dated 22.12.2016 Ex.P3, Medical Examination Report of Children is Ex.P4, Study report of the respondents Ex.P5, reference letters Ex.P6 and Ex.P7 and Registration Form Ex.P8.

5. On the other hand, both the respondents appeared in the witness box as RW-1 and RW-2 who furnished their affidavit Ex.RW1/A and Ex.RW2/A along with documents such as date of birth proof of respondent No.1 as Ex.R1, income proof of respondent No.1 as Ex.R2, Copy of PAN Card of respondent No.1 Ex.R3, fitness certificate of respondent No.1 Ex.R4, residence proof Ex.R5, Marriage Proof Ex.R6, Photograph Ex.R7, birth proof of respondent No.2 Ex.R8, Income proof of respondent No.2 Ex.R9 and Fitness certificate of respondent No.2 Ex.R10 and certificate of fitness of respondent No.2 Ex.P11.

6. I have heard the learned counsel for the petitioner and the respondents in person and have gone through the case file very carefully.

7. The prayer of the petitioner has been conceded by the

respondents, who are the present custodian of the children. As per home study reports, the respondents are mentally and physically fit and financially sound and capable of bringing up Baby Nancy and Baby Priyanshi (siblings). Keeping in view all the facts of the present case this court is of the considered opinion that the adoption is being made without any consideration whatsoever. The children were found abandoned at Panipat. In these circumstances and keeping in view all the facts of the case, the petitioner-council is hereby granted permission to give in adoption and the legal custody of the **Baby Nancy and Baby Priyanshi (siblings)** to the respondents and the respondents are permitted to take the children in adoption subject to all the conditions imposed by the petitioner and the CARA. The respondents shall execute Adoption Deed and will be bound to comply with all the provisions of the Guidelines pertaining to post adoption process, including follow up reports and will also to be bound to comply with all the directions which may be issued in future by this court and by the Government in connection with the welfare of the minors and for watching their progress under the guardianship of the respondents. File be consigned to the record room after due compliance.

Pronounced:
03.03.2017

(Barjinder Pal Singh)
Civil Judge (Senior Division)
Chandigarh.
(UID NO.PB0185)

Rajiv Kumar
Stenographer Grade-I

Present: Sh. Rakesh K. Sharma & Sh. G.S. Sandhu Advocates,
counsels for the petitioner.
Respondents in person.

Arguments heard. Vide my separate detailed judgment of even
date, petition stands allowed. File be consigned to record room.

Pronounced:
03.03.2017

(Barjinder Pal Singh)
Civil Judge (Senior Division)
Chandigarh.