

**IN THE COURT OF ATUL KAMBOJ, PCS
GUARDIAN JUDGE
FARIDKOT**

Case No.20 of 10-01-2018
GW 01/2018
Date of Decision: 17-02-2018

Shri Radha Krishan Dham Samiti (Regd.) Kotkapura Road, Tehsil and
District Faridkot, through its authorized member Sh. Subash Chander
.....Petitioner

Versus

1. Rakesh Kumar Bhatia aged about 34 years son of Sh. Krishan Lal Bhatia
2. Manju Bala aged about 33 years wife of Rakesh Kumar Bhatia

Both at present residents of RZH-734, Gali No.14, Raj Nagar part-II,
Palam Colony New Delhi-110077

.....Prospective Adoptive Parents/respondents

Petition under Section 56 of Juvenile Justice (Care and Protection of Children) Act 2015 amended up to date and read with guidelines governing the adoption of children 2015 for the adoption of the minor female child namely Amira now name changes as Amaira an abandoned child who was under care and custody of petitioner institution Shri Radha Krishan Dham Samiti (Regd.) Kotkapura Road, Faridkot, Tehsil and District Faridkot, at present in the custody of the prospective adoptive parents namely Rakesh Kumar Bhatia and Manu Bala.

Present:- Sh. Vipin Tayal, Advocate, counsel for petitioner
Sh. Deenu Singla Advocate counsel for the respondents.

ORDER

The case of the petitioner is that petitioner institution Shri Radha Krishan Dham Samiti (Regd.), Kotkapura Road, Faridkot, is a

registered body and the Governor of Punjab has recognized this institution for in country adoption as specialized Adoption Placement Agency (SAPA) to regulate matter relating to adoption of Indian Children under the Guidelines governing the Adoption of Children 2011 issued by the ministry of Women and Child Development, Government of India, vide notification no.S.O.1460(E) dated 24.6.2011 and under section 56 Juvenile Justice(Care and Protection of Children) 2015, for a period of 5 years from the date of notification. The petition has been filed through Mr. Subash Chander, who is the Manager of Shri Radha Krishan Dham and is duly authorized to file the petition. It is averred that prospective adoptive parents namely Rakesh Kumar Bhatia and Manju Bala are legally wedded couple and their marriage was solemnized on 13-04-2012. However, the prospective adoptive mother did not conceive child and adoptive parents decided to adopt the minor female child namely Amira now name changed as Amaira. The prospective adoptive parent applied for getting one female child namely Amira now name changed as Amaira was admitted to the Petitioner-Society on 19-07-2017 as an abandoned child and despite the best efforts and enquiries by the police authorities, the police officials were not able to trace out the whereabouts of the biological and natural parents of the child, whose parentage thus could not be ascertained. Even the date of birth of minor child is not known to the petitioner, but petitioner institution approximately mentioned the date of birth of minor child as 18-06-2017. The minor child had been looked after

and brought up by the petitioner up to 19-11-2017 and now the minor child is being looked after by the prospective adoptive parents since 20-11-2017. It is claimed that the minor child is legally declared free for its placement in adoption by the Chairman Child Welfare Committee, Ferozepur. The necessary particulars of the minor child are as under:-

Name:-	Minor child namely Amira now name changed as Amaira
Age:-	(date of birth not known) but petitioner institution approximately mentioned the date of birth of minor child as 18-06-2017
Religion:-	not known (now Hindu)
Property:-	Owns no property
Address:-	Petitioner Shri Radha Krishan Dham Samiti (Regd.), Kotkapura road, Faridkot
Place of birth:-	Not known (received from Tarantaran)
Status:-	Abandoned

The prospective adoptive parents are Hindu by religion. Rakesh Kumar Bhatia prospective adoptive father was born on 20-11-1982 and the prospective adoptive mother was born on 09-10-1984. The prospective adoptive parents are happily married and prospective adoptive mother cannot succeed, so that reason the prospective adoptive parents are interested to take the female child in adoption. The prospective adoptive parents have decided to take the above said minor child in adoption and express their willingness to adopt the minor female child with the permission of the court as per Juvenile Justice Care and Protection of

Children Act 2015 read with guidelines governing the adoption of Children 2015. The prospective adoptive father is Central govt. employee and earning about R 5,28,520/- P.A. The prospective adoptive mother is house wife. The prospective adoptive parents have their own house and have good bank balance also and the requisite documents as per guidelines governing the adoption of children, 2015. The prospective adoptive parents are otherwise in good physical and mental health and they do not suffer any disease or ailment, which would affect their capacity to bring up and educate the minor in question. Minor female child namely Amira now name changed as Amaira would be treated as their own natural born child with no differentiation in terms of treatment, care, education, affection and matter of inheritance. It will be in the interest and welfare of the minor that the petitioner is allowed to place the minor female child in adoption with the prospective adoptive parents. Hence the present petition has been filed.

3. On the other hand, respondents have filed written reply admitting the averments put forth in the petition and it is prayed that present petition be decided as per law.

4. As the respondents have admitted the averments put forth by the petitioner as such there was no requirement of framing of any issues and the parties were directed to lead their respective evidences. In support of the claim of the petitioner the petitioner has examined Sh. Subash Chander as PW1, who tendered into evidence his duly sworn affidavit

Ex.PW1/A, whereby he reiterated the contents of petition in totality. The witness has also tendered into evidence notary attested copies of documents i.e. Punjab Government Notifications dated 08-07-2011, 26-08-2011 and 22.06.2017 Ex.P1 to Ex.P3, certificate of Registration of Societies Ex.P4, authority letter dated 03-01-2018 Ex.P5 and dated 06-07-2017 Ex.P5/A, NOC from child welfare committee Ex.P6, report of DCPO Ex.P7, affidavit regarding foster care Ex.P8, home study report Ex.P9, assessment report Ex.P10, medical examination of child Ex.P11, MER Ex.P12, child study report Ex.P13, recommendation letters Ex.P14 to Ex.P18, Adhar card of respondents Ex.P19 and Ex.P20, marriage certificate of respondents Ex.P21, certificate of proof of residence Ex.P22, medical examination of respondents Ex.P23 and Ex.P24, income tax returns Ex.P25 to Ex.P27, account statement of respondent Ex.P28.

5. On the other hand, respondents themselves appeared in the witness box as RW1 and RW2 respectively and tendered into evidence their respective affidavits Ex.RW1/A and Ex.RW2/A whereby they reiterated the contents of written reply in totality.

6. After recording statements of parties, personal inquiry from adoptive parents was done in the court. They showed love and affection for the child who has to be taken in adoption.

7. After hearing learned counsel for petitioner and respondents and going through the provisions as enshrined in Juvenile Justice (Care and Protection of Children) Act 2015, this Court is of the considered view

that the petitioner is a registered body and the Governor of Punjab has recognized this institution for in country adoption as specialized Adoption Placement Agency (SAPA) to regulate matter relating to adoption of Indian Children under the Guidelines Governing the Adoption of Children 2011 issued by the ministry of Women and Child Development, Government of India, vide notification no. S.O.1460 (E) dated 24.6.2011 and section 56 Juvenile Justice (Care and Protection of Children) 2015 for a period of 5 years from the date of notification which has been further renewed on 22.6.2017 for further 5 years. The notifications are Ex.P1 to Ex.P3, Income of adoptive parents is proved from the copies of income tax returns Ex.P25 to Ex.P27 and marriage of adoptive parents is proved from marriage certificate Ex.P21. The child is abandoned one. The adoptive parents are serious to look after the child. So, during inquiry nothing has come on record which suggests that adoptive parents are not competent to adopt the child. Therefore, this Court is of the considered opinion that adoption of child in question namely Amira now name changed as Amaira. is beneficial for the child. The date of birth of the child is 18-06-2017 which is valid for all purposes for registration of birth with Registrar and admission in schools and other institutions. So, the present petition is allowed. The adoption by the respondents is held valid for the welfare of the child. However, keeping in view the spirit of the Act, this Court deems it proper to direct the respondents in the present case to deposit amount of R 1 lacs in favour of adopted daughter in the

shape of FDR in any Nationalized Bank/Organization etc. to secure her future at the time she becomes major. Apart from the FDR the respondents are directed to get the long term policy of LIC on the name of the minor child and the premium of the same should be paid by them. The adoption shall be valid only when the above condition is fulfilled. It is also made clear that adopted child would be entitled to inherit the property of parents in all manners as their own natural child. File be consigned to record room.

Announced
On 17-02-2018

Atul Kamboj, PCS (UID PB0262)
Guardian Judge
Faridkot

Rekha

Present: Sh. Vipin Kumar Advocate counsel for petitioner
Respondents with counsel Sh. Deenu Singla Advocate

RW1 and RW-2 are present and examined. Thereafter respondents closed their evidence. Arguments heard. Vide my separate order of even date, petition is accepted. File be consigned to record room.

Announced
On 17-02-2018

Atul Kamboj, PCS (UID PB0262)
Guardian Judge
Faridkot

