

IN THE COURT OF THE DISTRICT JUDGE, FAIZABAD

Present : Anil Kumar Ojha, H.J.S.

M.N.R. Case No. 06 of 2017

Pt. Jawahar Lal Nehru Smarak Mahila Evam Bal Kalyan Samiti, 84/2 Kandhari Bazar, Faizabad, represented by Secretary/Adoption Incharge Ram Dulare Nishad S/o Late Durjan Nishad aged about 77 Years C/o Balgrih (Shishu).

----- Applicant

Versus

1. Mr. Rajeev Kumar Srivastava aged about 42 Years S/o Late Adya Saran Srivastava,
2. Mrs. Rinki Srivastava aged about 39 Years W/o Mr. Rajeev Kumar Srivastava,
Both Permanent R/o B-360, Avas Vikas Colony, Shahpur, Gorakhpur (UP)

----- Opposite Parties

*** NATIONAL LOK-ADALAT ***

08.04.2017

The Applicant/Secretary of Pt. Jawahar Lal Nehru Smarak Mahila Evam Bal Kalyan Samiti, Kandhari Bazar, Faizabad has filed this petition U/s 41 (6) of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred as Act) for permission to give the minor male child Ayush in adoption to the O.Ps. Mr. Rajeev Kumar Srivastava & Mrs. Rinki Srivastava.

2. Briefly stated that the applicant is the secretary/adoption incharge of Pt. Jawahar Lal Nehru Mahila Evam Bal Kalyan Samiti, which is a voluntary child welfare organization, registered under Societies Registration Act, 1860 and also a Specialized Adoption Agency U/s 41 (4) of the Act. The minor child Ayush, a destitute, has been thrown by his biological parents and was admitted in applicant's institution on 24.10.2016. As per medical examination, the date of birth of minor child Ayush has been declared as 20.10.2016. The minor child has no family or property, nor relative of his own. The O.Ps. have submitted application for adoption of minor child, which has been registered by the applicant's institution. The opposite parties submitted necessary documents in support of their registration before applicant's institution and after necessary formalities, the minor child has been declared free for adoption U/s 41 (4) & (5) of the Act by Child Welfare Committee, Sultanpur on 19.12.2016. The O.Ps. are married since 16.02.2002. They have no issue. The O.P. No.1 Mr. Rajeev Kumar Srivastava is employed in Degree College and is drawing an annual salary of about Rs.3,43,093-00, whereas the O.P. No.2 Mrs. Rinki Srivastava is a housewife. Besides, their salary, they have assets of own parental house at Shahpur, Gorakhpur. According to various reports of the applicant's institution, the O.Ps. are competent to adopt the minor male child Ayush.

3. The applicant has filed certified copies of Society Registration Certificate, Recognition Certificate of Agency, Free for Adoption Certificate, copies of affidavit pre-adoption of child, Child Study Report, Medical Examination Report, Home Study Report, copy of application for registration, residential proof of parents, income certificate, marriage certificate, certificate regarding proof of age of parents and copy of medical report of parents, in support of the petition.

4. The notices were issued to the opposite parties, who submitted their written statement 7C. The O.Ps. have stated in the written statement that they are married since 16.02.2002, but they have no issue. They want to adopt a child, hence, they have applied to the applicant's institution for adoption of minor child Ayush. The minor child is residing with opposite parties, who is being examined time to time by the applicant's institution. They have further stated that they are ready to adopt the minor child Ayush in accordance with law, who will be entitled to all rights in the property of the opposite parties.

5. The applicant has examined himself in oral evidence before the Court, in which he has stated that the applicant's institution has no objection to give the minor male child Ayush in adoption to the O.Ps. Mr. Rajeev Kumar Srivastava & Mrs. Rinki Srivastava. The opposite parties have also examined themselves in oral evidence before the Court, in which they have supported the averments made in their written statement. The O.Ps. stated that they are ready to adopt the minor child Ayush in accordance with law, who will be entitled to all rights in the property of the opposite parties.

6. Heard and perused the records.

7. Perusal of the record reveals that the opposite parties have applied before applicant's institution in prescribed manner and after completing all the necessary formalities, the applicant has approached this Court for getting permission to give the male child Ayush in adoption to O.Ps. Mr. Rajeev Kumar Srivastava & Mrs. Rinki Srivastava. From perusal of entire documents available on record, there is no legal bar in granting permission to give the male child Ayush in adoption to the opposite parties U/s 41 (6) of the Act.

8. In view of above, the application 3A is liable to be allowed.

ORDER

The application 3A is allowed. In exercise of powers referred under the provisions of Section 41 (6) of Juvenile Justice (Care and Protection of Children Act), 2000, this Court permits to give the male child Ayush in adoption to the O.Ps. Mr. Rajeev Kumar Srivastava & Mrs. Rinki Srivastava. The minor adopted male child Ayush will be entitled to all rights in the movable and immovable property of the opposite parties.

The opposite parties are directed to furnish the photographs of every birthday, as well as, growth report of the minor child to the applicant's institution regularly. They are also directed to execute a legal adoption deed in respect of adoption of minor child and submit the copy of the same before the Secretary, District Legal Services Authority, Faizabad in accordance with law.

Accordingly, this petition is disposed off.

Dated: 08.04.2017

(Anil Kumar Ojha)
District Judge,
Faizabad