

Form No.(J)2
HEADING OF JUDGMENT IN ORIGINAL SUIT/CASE
District: SONITPUR

IN THE COURT OF DISTRICT JUDGE, SONITPUR: TEZPUR

Present:- Sri Chatra Bhukhan Gogoi, A.J.S.
District Judge,
Sonitpur at Tezpur.

Friday, the 07th day of January, 2021

Misc Adoption Case No. 05 of 2021

Specialized Adoption Agency Eight Brothers Social Welfare Society, Registered Office at: Murhateteli, Near Rupam Petrol Pump, P.O. & P.S.- Tezpur, Dist.- Sonitpur, Assam, Pin:784001,

Through its Adoption In-Charge;

1. Shyamalima Baruah, D/O Mr. Dilip Baruah, 24 years, Coordinator, Dist. Sonitpur, Assam, Pin-784001
..... **Applicant No.1**

AND

2. Mr. Kamalesh Ganguly, S/O Asit Baran Ganguly, aged about 42 years. Citizen of India, Occupation: service, permanent resident of Baidyadanga, Rasulpur, Bardhaman, State- West Bengal.

3. Mrs. Paromita Ganguly, 27 years, W/O Mr. Kamalesh Ganguly, Citizen of India, permanent resident of Baidyadanga, Rasulpur, Bardhaman, State- West Bengal.

--Prospective Adoption Parents/Applicant No. 2.

This case coming on for final hearing on 07th day of January, 2021 in the presence of –

Upasana Mahanta..... Learned Advocate/ Pleader for petitioner.

and having stood for consideration to this 07th January, 2021 the Court delivered the following Judgment:-

JUDGMENT

1. This is an application for adoption of female child "Miss Sakshi" changed named "Miss Koushani Ganguli" U/S 58(3) of the Juvenile Justice (Care and protection of Children) Act 2015 read with Regulation 12(2) of the Adoption Regulations, 2017 (hereinafter referred to as "Juvenile Justice Act" read with Regulation 12 (2) of the Adoption Regulations).

FACT OF THE CASE

2. Here the applicant is a recognized Specialized Adoption Agency under section 65 of the Juvenile Justice Act under the State Government of Assam, for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations.

3. That a female child "Miss Sakshi" changed named "Miss Koushani Ganguli" born on 20-03-2021 has been declared legally free for adoption by the **Specialized Adoption Agency Eight Brothers Social Welfare Society**, Registered Office at: Murhateteli, Near Rupam Petrol Pump, PO & PS Tezpur, Dist. Sonitpur, Assam, Pin:784001 as per provisions of Section 38 of the Juvenile Justice Act and the said child is duly registered in the Child Adoption Resource Information and Guidance System having Registration **No. AS 201736-44** for the purpose of adoption as envisaged in Section 56(2) of the Juvenile Justice Act.

4. That the prospective adoptive parents who are resident Indians, presently residing at Baidyadanga, Rasulpur, Bardhaman, State- West Bengal and registered in the Child Adoption Resource Information and Guidance System with the registration No. **PrWe114128295**.

5. It is pleaded that the above prospective adoptive parents have been found eligible and suitable to adopt the child as per criteria mentioned in Section 57 of the Juvenile Justice Act and regulation 5 of the Adoption Regulation, based upon their Home Study Report.

6. To substantiate their claim, the prospective adoptive parents have also submitted their PAN Card, proof of date of birth, proof of income Certificate, Certificate from medical practitioner certifying that prospective adoptive parents do not suffer from any chronic, contagious or fatal disease and they are fit to adopt and also their marriage certificate with two reference letters from acquaintances or relatives in support of adoption and the prospective adoptive parents have applied through online Child Adoption Resource Information and Guidance System by signing the Child Study Report and Medical Examination Report on 04-08-2021 and the child has been given in pre-adoption foster care to the said prospective adoptive parents on 04-08-2021 on acceptance of pre-adoption Foster Care Affidavit, as per the provision of Section 58(3) of Juvenile Justice Act, and regulation 11(1) of the Adoption Regulation, 2017.

7. The prospective adoptive parents have undertaken in the Pre-adoption Foster Care Affidavit that they will allow the authorized social worker/functionary of the Specialized Adoption Agency/ District Child Protection Unit/State Adoption Resource Agency to visit their home for undertaking post-adoption follow-up to ascertain the progress and well-being of the child in the adoptive family as envisaged u/s 58(5) of the Juvenile Justice Act.

8. The prospective adoptive parents also undertake to intimate the state adoptive resources agency or this court regarding change of their place of residence for the purpose of post adoptive follow-up action.

9. The prospective adoptive parents also undertook the responsibility of up-bringing the said child as their own and to accord the same status/rights/privileges to the child at par with their natural born child as per their oath in pre-adoption foster care affidavit. Therefore, the applicant

decided to place the child in adoption as per decision of the Adoption Committee to the prospective adoptive parents as per condition laid down in section 61 (1) of the Juvenile Justice Act and move this application to court to give the stamp of approval under the law.

EVIDENCE

10. During the course of proceeding the applicant No.1 Shyamalima Baruah adduced evidence to the effect that she is the daughter of Dilip Baruah, working as Manager Co-ordinator, Eight Brothers Social Welfare Society located at Murhateteli, Near Rupam Petrol Pump, Tezpur, Sonitpur, Assam. Since, one Mr. Kamallesh Ganguly and Mrs. Paromita Ganguly, residents of Baidyadanga, Rasulpur, Bardhaman, State- West Bengal, desires to adopt the female child "Miss Sakshi" changed named "Miss Koushani Ganguli" and they performed all the required formalities as per provision of Juvenile Justice Act and Adoption Regulation. In the course of evidence the petitioner produced and exhibited documents marked as **Ext. 8 to 14 in support of the claim as well as medical report dated 30-07-2021 vide annexure 9**. It is also stated that the prospective adoptive parents have also executed pre-adoption foster care affidavit as per section 58(3) of Juvenile Justice Act and Regulation 11(1). Prospective parents also undertake the responsibility of upbringing the child as their own and to accord her to same status/right/ privileges at par with their natural born child. Therefore, the applicant decided to place the child with the prospective adoptive parents vide the resolution of adoption committee dated 19-07-2021.

11. The prospective adoptive parents also filed evidence on affidavit contending that they are permanent residents of Baidyadanga, Rasulpur, Bardhaman, State- West Bengal and registered their names in Central Adoption Resources Authority bearing registration No. **PrWe114128295** and they have all the required documents like their family photograph, Adhaar Card, income proof certificate, identity proof etc and they have also submitted their PAN Card in support of their age proof, marriage certificate etc which are marked as **Ext.1 to 7**.

FINDINGS

12. I have carefully examined all the facts, documents and evidence on record. It is found that the petitioner is a registered agency duly recognized by govt. of Assam for rehabilitating, orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations, 2017 and a female child "Miss Sakshi" changed named "Miss Koushani Ganguli" is legally declared free for adoption by the **Specialized Adoption Agency Eight Brothers Social Welfare Society**, Registered Office at: Murhateteli, Near Rupam Petrol Pump, PO & PS Tezpur, Dist. Sonitpur, Assam, Pin:784001 as per provision of Section 34 and the prospective adoptive parents who are permanent residents of Baidyadanga, Rasulpur, Bardhaman, State- West Bengal desires to adopt female child "Miss Sakshi" changed named "Miss Koushani Ganguli" as their own and they have completed all the required formalities in this regard. Moreover, the prospective adoptive parent is also found eligible in all respect. So, they are found legally competent to adopt the female child "Miss Sakshi" changed named "Miss Koushani Ganguli" as their own.

DIRECTIONS

13. After due consideration of all the aforesaid facts and law, this court declares that both the agency and the prospective parents are competent to give and take the female child "Miss Sakshi" changed named "**Miss Koushani Ganguli**" for adoption for all purposes including intestacy with effect from the date on which adoption order take effect, and on and from such date all the ties of the child in the family of her birth shall stand severed and replaced by those created by the adoption order in the adoptive family and allow the adoptive parents to take the female child "Miss Sakshi" changed named "**Miss Koushani Ganguli**" to their residence for upbringing her as their own child.

14. In view of the foregoing discussion and reason, the registrar of birth and death, Sonitpur, Tezpur is directed to issue a Birth Certificate in the name of "Miss Sakshi" changed named "**Miss Koushani Ganguli**" within 5 working days from the date of application as per provision of Regulation 36 of the Adoption Regulation, 2017.

15. Given under the hand and seal of this court on this **07th day of January, 2021.**

(C.B. Gogoi)
District Judge,
Sonitpur :Tezpur.

Dictated and corrected by me.

(C.B. Gogoi)
District Judge,
Sonitpur: Tezpur.