

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

**District:** BARPETA.

**IN THE COURT OF ADDL. DISTRICT JUDGE; BARPETA.**

**Present:- Sri Chatra Bhukhan Gogoi, A.J.S.  
Addl. District Judge, Barpeta.**

**Tuesday, the 4th day of February, 2020.**

**Misc Adoption Case No. 03 of 2019**

**STUDENTS WELFARE MISSION, PATHSALA**

Registered Office at: Ward No.6, Santipur, Pathsala, Dist.

Barpeta, Assam, Pin:781325

Through its Adoption In-Charge;

1. Sri Gunajit Kakati

S/O-Sri Karuna Kakati, Pathsala, Dist. Barpeta, Assam, Pin-  
781325

**.....Applicant.**

AND

2. Mr. Sandip Ghosh, S/O Dhruva Ranjan Ghosh, aged about 38 years. Citizen of India, Occupation: Company Service, permanent resident of 3/1, Azadgarh, P.O. Regent Park, P.S. Jadavpur, Dist. South 24 Parganas. Kolkata. West Bengal-700040:
3. Mrs. Sanghamitra Roy Ghosh, W/O Mr. Sandip Ghosh, aged about 35 years. Citizen of India. Occupation Company Service.

Permanent resident of 3/1 Azadgarh. P.O. Regent Park, P.S.

Jadavpur, Dist. South 24 Parganas, Kolkata, West Bengal-700040.

**.....Prospective Adoption Parents.**

This case coming on for final hearing on 24.01.2020 in the presence of –

Mr. Golap Hussain..... Learned Advocate/Pleader for petitioner.

and having stood for consideration to this 4th day, the Court delivered the following Judgment:-

**JUDGMENT**

1. This is an application for adoption of male child "TAPASH" U/S 58(3) of the Juvenile Justice (Care and protection of Children) Act 2015 (2 of 2016) (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 male child "TAPASH" born on 07.06.2019 has been declared legally free for adoption by the Child Welfare Committee, Barpeta District 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.AS201623-028 for the purpose of adoption as envisaged in Section 56(1) of the Juvenile Justice Act.

4. That the prospective adoptive parents who are resident Indians, presently residing at 3/1 Azadgarh, P.O. Regent Park, P.S. Jadavpur, District South 24 Parganas, Kolkata West Bengal

700040 and they are also registered in the Child Adoption Resource Information and Guidance System with the registration No. PrWe83694731.

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 and the child has been given in pre-adoption foster care to the said prospective adoptive parents on 28.10.2019, 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 Gunajit Kakati adduced evidence to the effect that he is a citizen of India by birth and permanent resident of Pathsala town, P.O. Pathsala, and In-charge of the Students Welfare Mission at Pathsala. Since one Sandip Ghosh and Mrs. Sanghamitra Roy Ghosh resident of 3/1 Azadgarh, P.O. Regent Park, P.S. Jadavpur, District South 24-Parganas, Kolkata, West Bengal 700040 desires to adopt the male child "TAPASH" 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.1,2,3,4,5,6,7,8,9,10,11 and 12 in support of the claim as well as medical report dated 28.10.2019 vide annexure 13 and 14. 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 has also undertake the responsibility of upbringing the child as their own and to accord him 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 date 28.10.2019.

11. The prospective adoptive parents also filed evidence on affidavit contending that they are permanent resident of 3/1 Azadgarh, P.O. Regent Park, P.S. Jadavpur, District South 24-Parganas, Kolkata, West Bengal 700040 and registered their names in Central Adoption Resources Authority bearing registration No. PrWe83694731 and they have all the required documents like Pan Card, income proof certificate, identity proof etc and they have also submitted their school certificate in support of their age proof, marriage certificate etc which are marked as Ext.1 to 12 respectively.

### **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 male child "TAPASH" is legally declared free for adoption by the Child Welfare Committee, Barpeta District as per provision of Section 34 and the prospective adoptive parents who are permanent resident of 3/1 Azadgarh, P.O. Regent Park, P.S. Jadavpur, District South 24-Parganas, Kolkata, West Bengal 700040 desires to adopt child "TAPASH" as their own and they have completed all the required formalities in this regard. Moreover, the prospective adoptive parents is also found eligible in all respect. So, they are found legally competent to adopt the child "TAPASH" 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 child "TAPASH" 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 his 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 child "TAPASH" to their residence for upbringing him as their own child.

14. In view of the foregoing discussion and reason, the registrar of birth and death, Barpeta, District Barpeta is directed to issue a Birth Certificate in the name of "TAPASH" 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 4<sup>th</sup> day of February, 2020 at Barpeta.

Dictated & corrected by me.

Sd/-  
(Sri. C.B. Gogoi),  
Addl. Dist. Judge, Barpeta.

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(Sri C.B. Gogoi),  
Add. Dist. Judge, Barpeta.