

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.4322 of 2015 (O&M)
Date of decision: August 31, 2016

Akbinder Kaur and another

..... Appellants

Versus

General Public etc.

..... Respondent

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MRS. JUSTICE SNEH PRASHAR**

Present:- Mr. G.S. Sidhu, Advocate
for the appellants.

Mr. J.S. Lalli, Advocate
for Central Adoption Resource Authority.

M. JEYAPPAUL, J. (ORAL)

CM-13829-CII-2015

There is a delay of 10 days in filing the appeal.

For the reasons set out in the application, the application is
allowed.

FAO No.4322 of 2015

Aggrieved by the dismissal of the petition filed under
Section 16 of the Hindu Adoption and Maintenance Act read with
Section 41 of the Juvenile Justice (Care and Protection of Children) Act,
2000, the appellants have preferred the present appeal.

Heard the submissions made on either side.

On a careful perusal of the impugned order passed by the
trial Court, we find that the trial Court chose to dismiss the petition filed
under the above provision of law primarily on the ground that the
appellants who had not applied before the Central Adoption Resource

Authority (CARA) for grant of “No Objection Certificate” before-ever approaching the trial Court seeking relief under the above provision of law.

This Court directed the 4th respondent-CARA to process the application submitted by the appellants and pass necessary orders on or before 31.08.2016.

Learned counsel appearing for the 4th respondent submits that CARA has granted “No Objection Certificate” to the appellants on 19.08.2016.

Though the petition was originally submitted before the trial Court by the appellants invoking the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, now the trial Court will have to pass an order in terms of the Chapter 8 relating to adoption found incorporated in Juvenile Justice (Care and Protection of Children) Act, 2015.

Sections 60 and 61 of the new Act empower the Court concerned to issue an order of adoption after conducting the proceedings in camera within a period of two months from the date of filing of the petition seeking an order of adoption.

Inasmuch as CARA has already processed the application submitted by the appellants and issued “No Objection Certificate” on 19.08.2016, we allow the appeal and remand the case to the trial Court to pass necessary adoption orders in terms of Chapter 8 purely on merit of the case.

CM-17292 and 17217-CII-2016

In view of the fact that we have disposed of the main appeal

itself today, giving liberty to the appellants to move necessary application if warranted before the trial Court, these applications stand closed.

(M. JEYAPPAUL)
JUDGE

(SNEH PRASHAR)
JUDGE

August 31, 2016
Dinesh Bansal

Whether speaking/reasoned	Yes
Whether Reportable	No