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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 4698/2019

NITIN ANAND ..... Petitioner

Through: Mr Santosh Kumar Suman, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS. ..... Respondents

Through: Mr Naushad Ahmed Khan, ASC, Civil, GNCTD.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 03.05.2019

CM No.20860/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 4698/2019

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondent nos.2 and 3 to register the Adoption Deed dated 06.05.2009, executed by the mother of the petitioner.

3. It is stated that in terms of the said Deed, the petitioner was given in adoption to Shri Deepak Singh and Smt. Poonam Anand. It is stated that Smt. Poonam Anand expired on 11.04.2010, and Shri Deepak Singh on 28.12.2016. Admittedly, the said Deed was not registered at the relevant time. It is averred in the petition that the petitioner was born on 17.05.1991 and the Adoption Deed was executed on 06.05.2009. It is, thus, apparent

that the petitioner was a few days short of attaining the age of majority at the time when the Adoption Deed was purportedly executed. The learned counsel appearing for the petitioner has drawn the attention of this Court to Section 10 of the Hindu Adoption and Maintenance Act, 1956, which indicates that unless there is custom or usage to the contrary, only a person who has not completed the age of fifteen years can be adopted.

4. It is well settled that the relief under Article 226 of the Constitution of India is a discretionary relief, and given the facts of this case, this Court is not persuaded to accept that any exercise of discretion is warranted in this case. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

MAY 03, 2019
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