

CWP-15350-2021
Date of Decision:- 06.12.2021

KULVEER KAUR (MINOR)

...Petitioner

Verses

UNION OF INDIA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. M.S.Longia, Advocate
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Ms.Shweta Nahata, Advocate
for the respondents Nos.1 to 3.

SUDHIR MITTAL, J.(Oral)

The petitioner is a minor aged 16 years. She has been adopted by Satpal Singh and his wife Paramjeet Kaur. The adoption is evidenced by a registered adoption deed dated 17.09.2019. Thereafter, application dated 09.09.2020 was moved for correction of the Passport so as to include the names of the adoptive parents. The said application had been rejected .

Learned counsel for the petitioner has submitted that the petitioner was adopted because the biological parents were not financially sound. The biological father of the petitioner is the brother of the adoptive mother and on account of this close relationship, the adoption was done. The registered adoption deed has not been challenged by anyone till date. The biological parents have also filed an affidavit that they have no objection to incorporation of the names of the adoptive parents in the Passport, yet, the correction is not being made. Reliance is placed upon

judgment dated 12.10.2015 passed in ***CWP No.13290 of 2015 Mukhtiar Singh Vs. Union of India and others.***

Learned counsel for respondent Nos. 1 to 3 submits that according to Section 11 of the Hindu Adoption and Maintenance Act 1956, no adoption can be made in case the adoptive parents have an earlier girl child. Thus, the adoption is invalid. Being an invalid adoption, the names of the adoptive parents cannot be incorporated in the Passport.

The argument raised by counsel for respondent Nos. 1 to 3 has been negated by this Court in Mukhtiar Singh's case (supra). It has been held that adoption through a registered deed has to be held valid in view of Section 16 of the aforementioned Act read with Section 15 of the said Act. Thus, directions were issued to the Passport authorities to entertain the application for issuance of a Passport.

In view of the aforementioned judgment, the submissions made by counsel for respondent Nos. 1 to 3 cannot be accepted.

The writ petition is accordingly allowed .

Respondent Nos. 1 to 3 are directed to correct the Passport of the petitioner by including the names of her adoptive parents.

06.12.2021
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(SUDHIR MITTAL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes/No
Yes/No