



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 7617 OF 2022

(SMT. HEMLATA MOHAN KAKUHAS..VS.. VISHNU NATTHUJI (NATTHULAL) KAKUHAS & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S.Malode, Advocate for Petitioner.
Shri N.S.Trivedi, Advocate for Respondent No.1.
Shri Sachin Narale, A.G.P. for Respondent No.3.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 13, 2023.

1. Heard.
2. The order dated 28/08/2017 passed by the District Judge-12, Nagpur in Misc. Civil Application No. 77 of 2017, allowing the application under the provisions of the Hindu Adoption and Maintenance Act, 1946 and the Guardians and Wards Act, 1890 and thereby holding that the applicant Nos.2 and 3 i.e. husband of the petitioner and the petitioner being natural parents of Vedant Mohan Kakuhas are permitted to give the child in adoption to Vishnu Natthuji Kakuhas, the applicant No.1 in the present proceedings.
3. It is the case of the petitioner that after the said order dated 28/08/2017 the husband of the petitioner died in the year 2020 and thereafter she felt that she needed Vedant back and therefore, the present petition is being filed challenging the said order dated 28/08/2017 on the ground of jurisdiction.

4. Admittedly, there is a delay of about five years in filing the present petition. The delay caused from 2017 to 2020 has also not been explained.

5. Moreover, there is no dispute that the said order was passed on the application jointly moved by the petitioner along with the applicant No.1-Vishnu Natthuji Kakuhas and her husband.

6. The petitioner herself submitted to the jurisdiction of the District Judge-12, Nagpur by filing an application seeking permission to give Vedant in adoption to the applicant No.1 in the said proceedings.

7. Thus, now the petitioner cannot raise question to the correctness and validity of the said order, which was passed in favour of the petitioner allowing her application. Hence, I see no reason to interfere with the impugned order in the instant matter.

Accordingly, the writ petition is **dismissed**. No order as to costs.

JUDGE