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

+ **W.P.(CRL) 1450/2024**

KIRAN & ANR.

.....Petitioner

Through: Mr. Chiranjeev Chauhan, Advocate
Ms. Arundhati Katju, senior advocate
(*amicus curiae*) with Ms. Ritika
Meena, Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Amol Sinha, ASC for State
Mr. Sameer Vashisht, standing
counsel for GNCTD
Mr. Sushil Raaja, Advocate for UOI

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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06.05.2025

[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 14061/2025 (directions)

1. This application has been filed on behalf of CARA (Central Adoption Resource Authority) in an effort to completely bypass the order dated 16.10.2024 of the predecessor bench, which order was not unsettled even in the course of contempt proceedings. None of the parties even challenged the order dated 16.10.2024.
2. It appears that the applicant's pleadings on the concept of adoption of an abandoned, orphaned and surrendered child are not correct. Adoption is not a matter of right of a Prospective Adoptive Parent (PAP) to adopt a child. It is a right of every child to have a family.



3. In the present case, it appears that despite order dated 16.10.2024 of the predecessor bench, till date the adopted child remains away from custody of his adoptive parents. It is informed by learned ASC that biological parents of the child in question are not traceable. The government agencies involved need to be sensitive that the first trauma suffered by the child was when he was separated from his biological parents and unfortunately, the trauma was compounded when the child was separated from even the adoptive parents, after the child had got attached to them.
4. I find no reason to interfere in order dated 16.10.2024 of the predecessor bench. The application is completely frivolous, so dismissed.
5. The concerned authorities are warned to ensure compliance with order dated 16.10.2024 keeping in mind the rights of the child involved in the case.

GIRISH KATHPALIA, J

MAY 6, 2025/as

[Click here to check corrigendum, if any](#)