

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

104

CWP-13184-2023

Date of Decision : March 27, 2025

ARAVINDER KAUR ARORA AND ANOTHER

-PETITIONERS

V/S

UNION OF INDIA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Abhishek Khullar, Advocate and
Mr. J.S. Jaidka, Advocate
for the petitioners.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Ms./Mrs. Neha Sharma, Sr. Panel Counsel
for the respondent(s)-U.O.I.

KULDEEP TIWARI, J. (ORAL)

1. The grievance, as encapsulated in the instant writ petition, stems from the non-issuance of “No Objection Certificate” *qua* inter-country adoption.

2. The learned counsel for the petitioners submits that, the petitioner No.1, who is an overseas citizen of India, adopted the petitioner No.2 (minor male child), whose date of birth is 14.09.2021, from her real brother and his wife, namely, Amarjit Singh and Prabhjit Kaur, residents of District S.A.S. Nagar. This adoption ceremony took place on 16.09.2021 at Gurudwara Singh Shaheedan Sahib, Sohana, District S.A.S. Nagar. However, owing to onset of the pandemic of COVID-19 during that period, the adoption deed could not be registered at the time of the adoption ceremony and it was finally registered on 14.01.2022. Therefore,

when the adoption was done prior to the HAMA notification, which was issued on 17.09.2021, hence the petitioner No.1 was not required to follow the procedure as per the Adoption Regulation, 2022.

3. During the course of arguments, when this Court confronted the petitioners' counsel with the contents of the adoption deed dated 14.01.2022, which nowhere discloses the date of the adoption ceremony purportedly held at Gurudwara Singh Shaheedan Sahib, Sohana, District S.A.S. Nagar, and, also confronted him with the fact that, disputed question(s) of fact are raised before this Court, he submits that, the petitioner(s) is ready to apply under the new HAMA notification, however, he requests that directions may be passed upon the respondent(s)-CARA to decide their adoption case in a time bound manner.

4. The request made by the learned counsel for the petitioners is not opposed by the learned senior counsel representing the respondents.

5. In view of the above, the instant writ petition is **disposed of** with direction to the petitioner(s) to, within 15 days from today, complete all the requisite formalities and apply in the prescribed format under the HAMA notification. In case, the petitioner does the *supra*, the competent respondent, amongst the respondents, is directed to expeditiously process the petitioners' adoption case, especially considering the fact that, the petitioners were agitating their claim before this Court since 2023.

6. Moreover, direction is also issued to the District Magistrate concerned to, within 20 days from the receipt of letter from the respondent(s)-CARA, conclude the inquiry to be marked to it by the

respondent(s)-CARA, and thereupon, submit the report.

7. The entire process (*supra*) shall be ensured to be completed within three months from the date when the petitioner(s) files the requisite application under the HAMA notification.

8. **Disposed of accordingly.**

March 27, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No