IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.443 OF 2025

1. Shaikh Babaso Sikandar Patil,
Age:45 Years, Occu.: Service,
Permanent R/o. House No.370,
Turambe, Taluka: Radhanagari,
District: Kolhapur.
Now R/o. Tapasya Bungalow No.4/1,
Mangalwari Bazar, Sadar Nagpur.

2. Shaikh Samira Babaso Patil,
Age: 46 years, Occu.: Household,
R/o. As above.

3. Fazaleali Shabbirpasha Patil,
Age: 45 Years, Occu.: Agriculturist.

4. Mahammadi Fazaleali Patil,
Age:45 Years, Occu.: Household,
No.3 and 4 R/o. Alas, Taluka: Shirol,
District: Kolhapur. .....Applicants

Vs.

The State of Maharashtra,
Through District Child Protection Unit,
Kolhapur. .....Respondent

Mr. Viraj Nalawade with Mr. Tanvi Lad, Ms. Sharwari Tipugade and Mr. Girish Mujumdar, for the Applicants.
Mrs. S. N. Deshmukh, AGP, for the Respondent-State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 12th JANUARY 2026

JUDGMENT :-

1. The Applicants have challenged the order passed by the District

Judge-2, Kolhapur returning the documents observing that the applicants have not followed the procedure as per amended Act and directed the Applicants in inter-relative adoption process to produce the documents through District Child Protection Unit.

2. The counsel for Applicants has stated that Applicant Nos.2 and 4 are the real sisters and Applicant Nos.1 and 2 are prospective adoptive parents. Applicant Nos.3 and 4 are willing to give their daughter in adoption and they followed the procedure as per provisions of Regulation 54(2) of the Adoption Regulations 2022 in prescribed format at Schedule XIX and XXII of the Adoption Regulations 2022. The Applicant No.1 applied for Central Adoption Resource Authority (CARA) and received caring registration No.RLMH202502214365. After following the due procedure, the Applicants filed the application before District Judge-2, Kolhapur. The District Judge-2, Kolhapur has returned the documents stating that as per Section 54(8) of the Adoption Regulations 2022, after scrutiny of the application, District Child Protection Unit shall file the application as provided under Schedule III before the District Magistrate of the District where the child is habitually residing.

3. The counsel for Applicants has stated that this Court in ***Aadil Ibrahim & Anr. In the matter in between Nisha Pradip Pandya & Anr. v. Union of India & Ors.***[1] has stayed the amended Act of the adoption and directed the District Courts to proceed further as per the earlier procedure for adoption. According to District Court, the stay is only to the extent of transferring the matter to District Magistrate instead of District Court and has directed to proceed as per the Amended Act, 2022.

4. The Respondent-District Child Protection Unit has filed a reply and has stated that order passed by the trial Court is correct. The Applicants have to file the documents as per the procedure mentioned in Section 54(8) of the Amended Act, 2022. As the procedure is not followed and there is no stay to the said procedure, justified in rejecting the application.

5. Heard the learned counsel appearing for both the parties.

6. While handling the adoption matters, it is required to bear in mind the interest of the minor, who are put up for adoption and interest of prospective adoptive parents. The trial Court should not

1 2023 SCC OnLine Bombay 90.

go into the minor technicalities. It appears from the record that the Applicants have followed the procedure. They have submitted the entire documents through Child Welfare Committee. The registration number is also obtained by registering through CARA. Only because the said documents are not produced through the District Child Protection Unit, the District Court has returned the documents. The Court must be sensitive while dealing with such matters and avoid such hyper-technical view. In such matters the Court must satisfy that the adoption is for well-being of the child and the applicants have filed necessary documents on record.

7. Moreover, after going through the order dated 16th June 2023 passed by Division Bench of this Court in Interim Application (L) No12194 of 2023 in Writ Petition No.1085 of 2023, it appears that it is specifically observed by this Court that “this Court has not stayed adoption process in any manner. These will continue as they were being conducted as prior to the amendments to the Juvenile Justice Act and Rules, that are under challenge in those Writ Petitions.” Those Writ Petitions are still pending. Interim protection is there. Though in the beginning, it is mentioned that Amended Act is

challenged to the extent that the word ‘Court’ is replaced with ‘District Magistrate’, on perusal of the entire order, it appears that the stay was granted in terms of prayer clause (d)(e) and (f) and the order passed on 16th June 2023 is more specific.

8. Considering the order passed by this Court and as to avoid hyper-technical view, while considering inter-relative adoption if the procedure is complied with, the application is allowed.

9. The District Judge-2, Kolhapur is directed to proceed further on the basis of documents submitted by the Applicant No.1 instead of directing to place these documents through District Child Protection Unit.

(MRS. VRUSHALI V. JOSHI, J.)

RAJU DATTATRAYA GAIKWAD
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