

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1811 OF 2024

Manoj Sunil Ripote.

...Petitioner.

Vs.

The Municipal Corporation of
Greater Mumbai & Anr.

...Respondents.

Mr. Rushikesh Kale, Advocate for Petitioner.

Ms Rupali Adhate i/b. Ms. Komal Punjabi, Advocate for Respondent Nos. 1
to 3.

Ms. Vaishali Choudhari, Addl. G.P. for Respondent No. 4.

Mr. Taya Patil, Administrative Officer (I/C) Group of T.B. Hospitals present.

**CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.**

DATED : 27th FEBRUARY, 2026

PC.:-

1. By this Writ Petition, the Petitioner is seeking a direction to the Respondent No. 3 to appoint the Petitioner on compassionate ground as legal heir of Late Shri Pranil Gopinath Chandramore as a Room Attendant at Group of Tuberculosis Hospital, Sewree. Further direction is sought against Respondent No. 3 to consider the Application dated 10.05.2023 filed by the Petitioner for the appointment of the Petitioner on compassionate ground as he is the only legal heir of Late Shri Pranil Gopinath Chandramore as Room Attendant with Respondent No. 3 - Hospital.

2. The Petitioner states that he had been adopted by Late Pranil Gopinath Chandramore (for short “said Pranil”) and his wife Rekha Pranil Chandramore (for short “said Rekha”) by executing notarised documents with the parents of the Petitioner namely, Sunil Rajaram Ripote and Shobhana Sunil Ripote on 27th February, 2023 for taking care of said Pranil and said Rekha in their old age. The said Pranil was diagnosed with cancer on 28th February, 2023 and thereafter died due to cancer on 14th April, 2023.

3. The Petitioner further states that the only legal heirs and representatives of the said Pranil are his wife said Rekha and the Petitioner. The Petitioner not having any employment made an application attested with Affidavit on oath alongwith necessary document as well as Consent Affidavit of the said Rekha on 10th May, 2023 to the Respondent Nos. 1 and 2 to appoint the Petitioner on the compassionate grounds in place of the employment of said Pranil as a Room Attendant with the Respondent No. 3 – Hospital.

4. The Petitioner had received the impugned letter dated 30.08.2023 denying the compassionate appointment and being aggrieved thereof, the present Petition was filed.

5. The Respondent Nos. 1 to 3 have filed their Affidavit in Reply dated 31st July, 2024 wherein in paragraph – 6, it is stated that the said Pranil was working as a Ward Boy at Tuberculosis Hospital since 1998 and that the said Hospital is attached with the Department of Public Health of Respondent No. 1 – Corporation. As per service record of the said Pranil maintained by the Respondent No. 1 – Corporation, said Rekha (wife of the said Pranil) is the only legal heir. Further, it is stated in paragraph 7 that the Petitioner is wrongly claiming that he is the only legal heir of the said Pranil. It is stated in paragraph – 8 that the Petitioner in his application for Compensatory Appointment as the legal heir of the said Pranil on 10th May, 2023 to the Respondent No. 1 – Corporation had relied upon the Death Certificate of the said Pranil dated 14th April, 2023 and Notarised Adoption Deed dated 27th February, 2023. The alleged Adoption Deed revealed that at the time of its execution, the Petitioner's age was 33 years. Reliance has been placed by Respondent Nos. 1 to 3 on the Hindu Adoption and Maintenance Act, 1956 and in particular Section 10 which provides that no person shall be capable of being taken in adoption unless the following conditions are fulfilled and one of these conditions in (iv) being "he or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption".

6. The Respondent Nos. 1 to 3 have contended that the Petitioner's age being 33 years at the time of adoption, would be disqualified from being adopted by the said Pranil and said Rekha.

7. Mr. Rushikesh Kale, the learned Counsel appearing for the Petitioner has placed reliance on the Consent Affidavit of the said Rekha consenting to the Petitioner being granted compassionate appointment. He has submitted that in view of the Consent Affidavit of the said Rekha who is admittedly the legal heir of the said Pranil, the Petitioner should be considered for compassionate appointment.

8. Ms. Rupali Adhate, the learned Counsel appearing for the Respondent Nos. 1 to 3 has placed reliance on the said Affidavit in Reply and the provisions of the Hindu Adoption and Maintenance Act, 1956, in particular the aforementioned Section 10 of the Act. This provides for a person who may be adopted and the condition being that the adopted person has not completed the age of 15 years unless there is a custom or usage applicable to the parties to the contrary. She has submitted that in view of the Petitioner having exceeded that age and there being no such custom or usage to the contrary, the Petitioner could not have been adopted by the said Pranil and said Rekha. She has accordingly submitted that the rejection of the Petitioner's Petition for compassionate appointment is

justified.

9. Having considered the submissions as well as the admitted fact of the Petitioner having been adopted by execution of the Adoption Deed on 27.02.2023 when the Petitioner's age was 33 years, the applicable provision viz. Section 10(iv) of the Hindu Adoption & Maintenance Act, 1956 prohibits such adoption. The only exception for adoption of a person beyond the age of fifteen years is where there is a custom or usage applicable to the parties which permits the person who has completed the age of fifteen years being taken in adoption. In the present case, the Petitioner has not been able to establish any such custom or usage applicable to the said Pranil and said Rekha for adoption of the Petitioner.

10. We find much merit in the contention on behalf of the Respondent Nos. 1 to 3 that given that the Petitioner's adoption not being valid under the Hindu Adoption & Maintenance Act, 1956, the Petitioner could not be granted compassionate appointment as the only legal heir would be the said Rekha (wife of the said Pranil). Thus, the prayer sought for in the Writ Petition for directing the Respondent No. 3 to appoint the Petitioner on compassionate ground as legal heir of the said Pranil as Room Attendant of Group of Tuberculosis Hospital, Sewree cannot be granted. The alternate prayer also cannot be granted in the circumstances of the present case.

11. In view thereof, the present Writ Petition is dismissed. There shall be no order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]