

**IN THE COURT OF THE DISTRICT JUDGE, KHURDA  
AT BHUBANESWAR.**

**C.M. APPL. No.257 of 2014.**

MRS. SAKSHI BAJAJ, aged about 39 years,  
D/o. RAVISH CHANDER BAJAJ,  
resident of 46483 HAMPSHIRE STATION DRIVE,  
STERLING, VA-20165, U.S.A., through her Power  
of Attorney-holder Smt. Manorama Mohanty,  
Project Officer of Subhadra Mahatab Seva Sadan  
of Kolathia, P.S. – Khandagiri, Bhubaneswar,  
District – Khurda.

... **Petitioner.**

Counsel for petitioner -- Shri B.B. Routray.

Date of argument : 18.12.2014.

Date of order : 02.01.2015.

**Order No.5, Dated 02.01.2015.**

**O R D E R**

The petitioner, who is an Indian origin and has accepted the citizenship in U.S.A., which country has ratified the Hague Convention on Inter-Country Adoption, 1993, has filed this application under section 41(6) of the Juvenile Justice (Care and Protection of Children) Act, 2000 read with rule 33(5) of the Central Rules, 2007 with a prayer for permission to adopt a female child, namely, **Nibedita** born on **23.10.2013**, who is presently an inmate of Subhadra Mahtab Seva Sadan, recognized

by the Government of India and Central Adoption Resource Authority as Indian Placement Agency for placing Indian children in inter-country adoption. The said child was received in Subhadra Mahtab Seva Sadan on 29.10.2013 having been abandoned.

2. The petitioner, whose marriage has been dissolved by a decree of divorce having no biological children, instituted the proceeding through Smt. Manorama Mohanty, Project Officer of Subhadra Mahtab Seva Sadan, Bhubaneswar, who holds a Power of Attorney. The petitioner has routed her application for adoption through “ACROSS THE WORLD ADOPTIONS”, which is the Sponsoring Agency in U.S.A., and has also been authorized by the Government of India through Central Adoption Resource Authority (CARA) to operate in India. Said Subhadra Mahtab Seva Sadan entertained the documents of the petitioner being sent through CARA. The Adoption Committee of Subhadra Mahtab Seva Sadan has assigned the child to the petitioner for adoption and in the event the prayer of the petitioner for adoption is allowed, the Committee shall comply with the orders of the Court.

3. It is the further case of the petitioner that she has obtained required permission from the competent authority of their country for adoption of the child. The Child Welfare

Committee, Khurda has issued a certificate declaring that the child is legally free for such adoption. The petitioner intends to adopt the child as her daughter in accordance with the provisions of Hague Convention and as per the law of adoption prevailing in their country. The petitioner states that the adoption shall be certified by CARA and after adoption the petitioner shall move the Central Authorities of India as well as U.S.A. for taking necessary steps to obtain permission for the said child to leave India and enter and reside in U.S.A. permanently.

4. The petitioner has declared that after adoption, Nibedita will become her legitimate child with all rights, privileges and responsibilities which are attached to the relationship and she has also undertaken to take care, maintain, bring up and give the child the status of her own biological daughter. Banking upon the Home Study Report, the petitioner asserts that she is a suitable person to take the child in adoption and the placement of the child in such adoption will be in the best interest and welfare of the child, in securing her rehabilitation permanently in a family. The petitioner has disclosed that the Placement Agency has proposed this inter-country adoption after due consideration of the possibilities of placing the child in adoption within the country. The petitioner

has filed documents as per the list attached to this order in rendering support and as proof of the averments as above.

5. The Project Officer of Subhadra Mahtab Seva Sadan, Bhubaneswar has been examined as a witness in this case. In her evidence, while stating that the petitioner has appointed her as her Power of Attorney in her official capacity to handle the adoption proceeding in this Court and also to do all such acts and deeds necessary in connection with the said proceeding, she has gone to state that the petitioner has no direct contact with the Placement Agency and that she has approached for adoption through “ACROSS THE WORLD ADOPTIONS”, which is authorized by the Government of India through CARA to operate in India as the Sponsoring Agency. She has reiterated the case of the petitioner by deposing on all material particulars and has produced the General Power of Attorney, which has been executed by the petitioners in her favour, marked Ext.1. The No Objection Certificate issued by CARA has been produced (Ext.2) along with the Recommendation Certificate of the Adoption Recommendation Committee (ARC) (Ext.3). The Child Welfare Committee, Khurda has declared vide Ext.4 that the child is legally free for adoption. The Child Study Report as regards Nibedita and Home Study Report of the petitioner have been prepared vide Exts.5 &

6 respectively. Certificates in support of birth, divorce & medical examination report of the petitioner and documents regarding her citizenship, ownership of property and income have also been submitted. The photographs of the petitioner and the child to be taken in adoption have been submitted, which have been marked for reference.

6. The petitioner has prayed for permission to adopt the female child, namely, Nibedita to be duly certified by CARA after which she will move both the Central Authorities of India and U.S.A. seeking permission for the child to leave India and to enter U.S.A. and reside there permanently.

7. From the evidence, both oral and documentary, as discussed above, I am satisfied that the concerned authorities having carried out the required investigations for giving the child in adoption have furnished their certificates in favour of the same. The Child Welfare Committee has declared the child as free for adoption and the Adoption Recommendation Committee (ARC) also has recommended the proposal under Ext.3. The learned counsel for the petitioner submitted that the child having been born on 23.10.2013 is not in a position to express her consent.

8. From what has been stated above, it is found that the petitioner will provide emotional security and best

upbringing to the child and the interest of the child's welfare and security would be best served if she is given in adoption to the petitioner, who has social and financial status for the purpose. In view of all these, I find no impediment in allowing the application. Hence ordered:

### O R D E R

The application is allowed and permission for adoption of the minor female child, namely, **NIBEDITA** born on **23.10.2013** in the custody of Subhadra Mahtab Seva Sadan, Bhubaneswar, whose photograph has been duly signed by the Secretary of the said Organization and attached to the case record vide Mark 'Y' and countersigned by me, in accordance with the rules and guidelines is hereby accorded. Leave is granted to the petitioner to remove the said minor female child from the jurisdiction of this Court and take her to U.S.A. in accordance with law. The adoption shall be certified by the Central Adoption Resource Authority (CARA), Government of India with issuance of a Conformity Certificate, copy of which shall be submitted before this Court by the petitioner. The petitioner shall move the Central Authorities of both the countries to take the child to her country permanently after obtaining Passport and Visa. The countersigned photograph of the minor child be handed over to the Power of Attorney Holder



Ext.13      --      Copy of Certificate of recognition,  
Mark 'X'    --      Photograph of the petitioner &  
Mark 'Y'    --      Photograph of minor child.

**District Judge, Khurda**  
**at Bhubaneswar.**  
02.01.2015.