



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 15710 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

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Approved for Reporting	Yes	No

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AKSHAY PITAMBER SARVAKAR & ANR.
Versus
CENTRAL ADOPTION RESOURCE AUTHORITY & ORS.

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Appearance:

MR PUNIT B JUNEJA(3972) for the Petitioner(s) No. 1,2
MR NIKUNJ KANARA AGP for the Respondent(s) No. 2,3
MRS KRISHNA G RAWAL(1315) for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK**

Date : 12/03/2026

JUDGMENT

1. RULE returnable forthwith. Learned counsels for the respondents waives service of notice of rule on behalf of the respondents. With the consent of the learned counsels for the respective parties, the present petition is taken up for final hearing today.

2. The present petition is filed by the petitioner under Articles 226 of the Constitution of India read with the provisions of the Hindu Adoption and Maintenance Act, 1956 (HAMA) and in the matter under Adoption Regulations 2017/2022 issued by the



Ministry of Women and Child Development, Government of India seeking following reliefs:

“a) Issue a writ of mandamus or appropriate direction to Respondent No. 1 (CARA) to register the Petitioners' concluded HAMA adoption ex post facto under Adoption Regulations and/or to open the inter-country file on the basis of the registered adoption deed and Indian identity documents, and to process and issue the No-Objection Certificate and, as applicable, the Conformity Certificate under Article 23 of the Hague Convention or a Support Letter in the non-Hague route;

b) Issue a writ of mandamus or appropriate direction to Respondent No. 2 (District Magistrate, Gandhinagar) and Respondent No 3 to conduct the inquiry on the registered Hindu Adoption and Maintenance Act (HAMA)- adoption deed and to issue a verification/adoption order and certificate in the prescribed format, recording validity under Hindu Adoption and Maintenance Act, 1956 in the best interests of the minors;

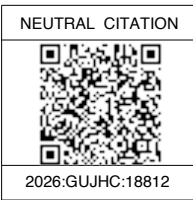
c) Pending the above, direct Respondent No. 1 to issue an interim endorsement/letter acknowledging the concluded HAMA adoption and the status of the Petitioners as parents as per Indian records, to be placed before the Australian authorities, without prejudice to the final NOC/Support-Conformity issuance.

d) Grant such other and further reliefs as the facts and circumstances of the case warrant in the interest of justice and paramount welfare of the children.”

3. Brief facts giving rise to the present petition are that, twin minor girls namely [REDACTED] and [REDACTED] were born on 22.02.2022. The biological mother of the twins Dr. Dipti Pitamber Sarvakar, the sister of the petitioner No.1 passed away on next day of the birth of the twins i.e. on 23.02.2022 and, therefore,



the biological father of the twins, Mr. Nihar Gajaria decided to hand over the minor twins to the present petitioner who was ready and willing to adopt both the daughters and the petitioner has lawfully accepted both the children by way of executing adoption deed. The necessary entry was also mutated in the record that the petitioners are now the adoptive parents of both the minor girls and on 29.09.2022, the adoption deed was executed which was registered before the Sub-Registrar, Gandhinagar bearing registration no. 43572 of 2022 and on the basis of the adoption deed, the birth certificate of the minors [REDACTED] and [REDACTED] were issued, the name of the parents was corrected and the new certificate was issued showing the name of the present petitioners as the parents of the minors on the basis of the adoption. As the adoptive parents are immigrants and residing in the State of Victoria, Australia, the Australian authorities have asked for the verification/adoption order and certificate from the District Magistrate based on the registered adoption documents registered under the Hindu Adoption and Maintenance Act, 1956, a No Objection Certificate and Support/Conformity Certificate from CARA i.e. respondent No.1 as per the requirements of the Australian government. Hence, the petitioner submitted a detailed representation on 11.09.2025 to respondent NO.1 with copy to respondent No.2 with all the necessary documents seeking registration and ex post facto recognition under Chapter IV-A (as inserted by the government notification published in Gazette on 17.09.2021), CARA's NOC and Support/Conformity Certificate, and District Magistrate's

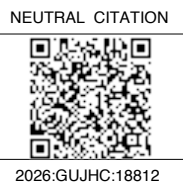


verification/adoption order and certificates. All the relevant necessary documentary evidences were produced along with the application seeking certificates from the authority and on the basis of that application, respondent No. 1 informed that the process has to be initiated from the receiving country through it's programme/portal. That, in absence of timely action by respondents - Central Adoption Resource Authority (CARA) and District Magistrate, Gandhinagar, the children's immigration processing is held up and hence, the present petition has been preferred by the present petitioner.

4. Heard the learned counsel for the respective parties. Perused the materials available on record.

5. The Coordinate Bench of this Court on 25.11.2025, while issuing the notice had directed the learned AGP to get the necessary instructions before the next date of hearing and to file the appropriate affidavit in reply.

6. Mr.Juneja, learned counsel for the petitioner submitted that the petitioner received a letter from the Australian government, Department of Home Affairs dated 27.02.2026 wherein the procedure was prescribed in the said letter and the relevant documentary evidences as mentioned in the said letter reads as under:



“Other requirements

*The department acknowledges that Adoption Victoria is **not accepting applications** to adopt a child from India that are completed under the Hindu Adoptions and Maintenance Act, 1956 (HAMA).*

For intercountry adoptions where the adoptive parents are unable to provide a NOC from the state and territory central authority due to residing in a non-participating Australian state, Please follow the below procedure.

The following documents are required:

- 1. If the adoption is not already registered through CARINGS portal, the applicant is to liaise with District Magistrate office (where the child is residing) for verification of their HAMA adoption deed.*
- 2. Applicant provides verification documents to CARA.*
- 3. CARA issues a support letter.*
- 4. Applicant requires to provide a copy of the CARA support letter to the Department of Home Affairs.”*

6.1 Mr. Juneja, learned counsel has relied and referred upon a similar set of facts in the decision of the Hon’ble Apex Court in the case of **Prema Gopal Vs. Central Adoption Resource Authority and Ors** in **Special Leave to Appeal (C) No(s). 14886/2024** dated **29.01.2025** and has urged before this Court that as the adoptive parents are residents of Australia, the procedure for adoption of the children under HAMA, 1956 by parents who desire to relocate the child abroad, as envisaged under Chapter VIII of the Adoption Regulations, 2022 (Regulations, 2022) has been followed, more particularly, the

Regulations 64 and 67 of the Regulations, 2022 which read as under:

"64. This Chapter shall apply to - (a) all adoption cases under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956) by prospective adoptive parents or adoptive parents residing outside the country and

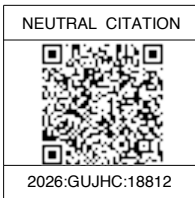
(b) all adoption cases pertaining to countries outside the Hague Adoption Convention.

67. Procedure in the case of registered adoption deed. - (1) In the cases where the adoption deed has already been executed in pursuance of adoption under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), before the commencement of the Adoption (Amendment) Regulations, 2021, the requisite documents supporting the facts of the adoption deed shall be duly verified and recommended by the District Magistrate in the format as provided in Schedule XXXV.

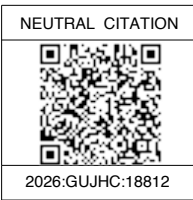
(2) On receipt of the verification of documents as per Schedule XXXV, the Central Adoption Authority Resource Authority shall comply with the provisions of Articles 5 or 17 from the receiving country as provided in the Hague Adoption Convention.

(3) Upon receiving such certificate, the Central Adoption Resource Authority shall issue no objection certificate for Hague ratified countries and in cases of countries outside the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, the Central Adoption Resource Authority shall issue a support letter upon receiving a letter accepting the said adoption from the Government department."

6.2 Mr.Juneja, learned counsel has submitted that the present petition deserves to be allowed.



7. I have heard the learned counsel for the respective parties and have considered the facts of the petition. It appears that in the instant case, the twin children were adopted prior to the actual execution of the deed but the deed was executed on 29.09.2022. As provided under the provisions of HAMA, 1956, in the circumstances, Regulation 67 relating to the date of adoption is subsequent to the commencement of the Adoption (Amendment) Regulations, 2021, however, as mentioned in the present case, I am of the opinion that there can be no hurdle in the way of the respondents to consider the case of the petitioner. I direct respondent Nos. 1 and 2 to consider the case of the petitioner and issue the necessary certificates as required by the Australian authorities to fulfill and comply with the requirements. All the necessary documentary evidences were already furnished by the petitioner before respondent Nos. 1 and 2. However, in case any of difficulty, the petitioners may again supply the necessary documentary evidences within a period of one week from today and on receipt of the said application, respondent Nos. 1 and 2 shall consider the case of the petitioner herein having regard to the relevant provisions of the Regulations 2022 and in accordance with law bearing in mind the facts that the adoption took place on 29.09.2022 and the children were born on 22.02.2022. In the event of any difficulty, the petitioner shall personally remain present before respondent No. 2 through it's legal representatives to make necessary submissions before the authority and after considering the same the entire exercise shall



be completed by respondent Nos.1 and 2 within a period of four weeks from the date of hearing of the present petitioner. The respondent No. 1 shall issue Support Letter in the particular format as prescribed. On such Support Letter being issued, the petitioner shall take steps for the purpose of immigration recognition and registration of the children who have been adopted by the necessary order in that regard before this Court. The said No Objection Certificate shall be in the format as observed by the Hon'ble Apex Court in the case of **Prema Gopal (supra)** and the authority is directed to issue the certificate in that manner only as required.

8. With the aforesaid conclusion, the present petition is partly allowed. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HEMANT M. PRACHCHHAK,J)

ANUSRI