



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 22ND DAY OF AUGUST, 2025
BEFORE
THE HON'BLE MR. JUSTICE B M SHYAM PRASAD
WRIT PETITION NO. 15957 OF 2025 (GM-RES)

BETWEEN:

1. SMT ARUNDHATHI
W/O. SHREEHARSHA MALLAPPA AWATI
AGED ABOUT 43 YEARS
2. SHRI. SHREEHARSHA MALLAPPA AWATI
S/O. MALLAPPA AWATI
AGED ABOUT 47 YEARS

BOTH PETITIONERS ARE
RESIDING AT NO. 1442,
1ST MAIN, 11TH CROSS,
Kengeri SATELLITE TOWN,
BANGALORE-560060.

...PETITIONERS

(BY SRI. SHARANADEEP, ADVOCATE)

AND:

1. CENTRAL ADOPTION RESOURCE AGENCY
REPRESENTED BY ITS MEMBER SECRETARY
AND CEO, MINISTRY OF WOMEN AND
CHILD DEVELOPMENT, WEST BLOCK 8 WING 2
1ST FLOOR, R.K PURAM, NEW DELHI-110066.
2. STATE ADOPTION RESOURCE AGENCY
REPRESENTED BY ITS MEMBER SECRETARY,
DIRECTORATE OF WOMEN AND CHILD





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DEVELOPMENT, 1ST FLOOR, M.S. BUILDING,
AMBEDKAR VEEDHI,
BANGALORE - 560001.

3. CHILD WELFARE COMMITTEE
REPRESENTED BY ITS CHAIRMAN
CHILD WELFARE COMMITTEE-1,
DR H. M. MARIGOWDA ROAD,
NEAR KIDWAI HOSPITAL,
BANGALORE- 560029.
4. DISTRICT CHILD PROTECTION UNIT
REPRESENTED BY ITS
DISTRICT CHILD PROTECTION OFFICER,
NO27/17, 2ND FLOOR AKSHAYA SQUARE,
80 FEET RING ROAD, PAPAREDDY PALYA,
NAGARABHAVI 2ND STAGE, BANGALORE URBAN,
BANGLORE-560072.
5. SHRI. K.R. SUNIL KUMAR
S/O. K.S RANGAIAH
AGED ABOUT 51 YEARS
RESIDING AT FLAT NO. 309
A BLOCK, BALDOTA ELEGANT APARTMENT,
NO.103/7A1, 2ND A MAIN ROAD,
5TH CROSS NEAR NARAYANA E-TECHO SCHOOL,
NGEF LAYOUT, MALLATHAHALLI
BANGALORE SOUTH VISHAWAVIDALAYA
BANGALORE-560 056.

...RESPONDENTS

(BY SRI. ARVIND KAMATH, ASG A/W

SMT. ANUPAMA HEGDE., CGC FOR R1;
SRI. RAHUL CARIAPPA, AGA FOR R2 TO R4;
SRI. SARAVANA S, ADVOCATE FOR R5;
SRI. VIKRAM HUILGOL, SENIOR ADVOCATE



AS AMICUS CURIE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) QUASH THE EMAIL COMMUNICATION DATED 25TH MARCH 2025 SENT BY THE RESPONDENT NO.2 IN FAVOUR OF 4TH RESPONDENT. THE 4TH RESPONDENT THE SAME COMMUNICATE TO THE PETITIONER ON 7TH APRIL 2025; (B) DIRECT THE 2ND AND 4TH RESPONDENT TO RECONSIDER THE APPLICATION FOR ADOPTION DATED 01.07.2024 VIDE ANNEXURE - A AND PASS APPROPRIATE ORDER IN ACCORDANCE WITH LAW.

THIS PETITION, COMING ON FOR FRESH MATTERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioners have applied to the Central Adoption Resource Agency [CARA] for adoption of Master Ruchir Sai [a minor] and they are aggrieved by the second respondent's communication/email calling upon them to provide consent of the biological



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father. This Court has recorded submissions by Sri.Vikram Huilgol, the learned Senior Counsel who is called upon by this Court to assist this Court as Amicus Curiae, that the fifth respondent even now can consent for the proposed adoption and if he consents there would be quietus, and otherwise, it would be open to this Court to draw an inference on consent. The learned Amicus Curiae's submission as aforesaid is in the light of the following undisputed facts and circumstances:

[a] The first petitioner and the fifth respondent are the biological parents whose marriage was solemnized on 28.11.2004 but the couple, because of their differences, have reported settlement in the matrimonial proceedings in MC No. 3427/2012 on the file of the I Additional Principal Judge, Family Court, Bengaluru agreeing for dissolution of their marriage by mutual



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consent, and insofar as the custody of the minor born to them, the arrangement between them is as follows:

Both the petitioners state that from their wedlock, they have been blessed with a son, by name Master Ruchir Sai K.S., who is now aged about four years, is presently under the care and custody of the second petitioner - mother. The first petitioner - father has no objection for the second petitioner - mother to have permanent care and custody of their minor son Master Ruchir Sai K.S. and to be the sole guardian to him. The first petitioner - father hereby gives up his right to claim any visitation/custody rights to visit their minor son in future.

- [b] The petitioners have thereafter entered into matrimony, and the minor is aged 16 years. The petitioners, along with the minor, have completed all the formalities for taking the minor in adoption but for the completion of the process with the decision by the second



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and the fourth respondents. The petitioners will have to ensure that the fifth respondent's consent is uploaded.

2. Sri Arvind Kamath, the learned Additoinal Solicitor General who appears for the first respondent - CARA, supports the insistence on the consent of the biological father emphasizing the deleterious effect that there could be if there is any dilution in this requirement. Sri Vikram Huilgol also supports the canvas that reading down the consent of the biological father or mother would indeed have a deleterious effect given the circumstances that could be. Both the learned Additional Solicitor General and the learned Amicus Curiae state that if the fifth respondent - the biological father of the minor - has given up his claim to even visit the minor child ever, this Court could draw an inference in favour of the consent.



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3. Sri S. Saravana S, the learned counsel who is on record for the fifth respondent and who has had the advantage of the canvas for adverse inference, is categorical that the fifth respondent would not like to take a definite stand on whether the petitioner must take the minor in adoption. As emphasized by both Sri.Vikram Huilgol and Sri.Arvind Kamath, the refusal to take a stand in the circumstances of the case, must justify an inference in favour of the minor being taken in adoption because the fifth respondent has not come forward to extend justifiable reasons to deny the benefit of adoption not just to the petitioner but also to the minor whose interest must be paramount.

4. This Court finds considerable force in these submissions and that the circumstances justify an inference, and this Court is also of the view that if the inference is not drawn with the fifth respondent not taking a stand despite opportunity, the minor,



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who is keen to go in adoption with the petitioners with whom he is living, could lose the advantage of belonging to the family completely with all consequences that would be.

5. Hence, this Court is of the opinion that there must not only be an inference of consent by the fifth respondent in favour of the adoption but there should also be a direction to the second and the fourth respondents to consider completion of the adoption process in the light of this inference with liberty to the petitioners to upload this order as proof of consent of the fifth respondent for adoption.

The petition stands disposed of accordingly

SD/-
(B M SHYAM PRASAD)
JUDGE

SA
ct:sr