

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 77 OF 2026

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|-----------------------------------|---|----------------|
| 1. Mr. Sushant Gurudas Belekar |] | |
| Age - 44, Occupation – Business, |] | |
| R/o. H. No. 666, Saraswati Niwas, |] | |
| Atafondem, Moira, Bardez, |] | |
| Goa – 403 507 |] | |
| 2. Mrs. Rama Sushant Belekar |] | |
| Age - 43, Occupation – Housewife, |] | |
| R/o. H. No. 666, Saraswati Niwas, |] | |
| Atafondem, Moira, Bardez, |] | |
| Goa – 403 507 |] | ... Applicants |

Versus

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|---|---|
| 1. District Probation and After Care Association |] |
| (An Institution Registered Under the Provision of |] |
| the Bombay Public Trusts Act, 1950) |] |
| Having its Regd. Office :- Office as |] |
| CTS No. 1912/25, B, Ward Mangalwar Peth, |] |
| Kolhapur. |] |
| 2. Central Adoption Resource Authority (CARA) |] |
| Block-8, Wing-2, 2 nd Floor, R.K. Puram, |] |
| New Delhi – 110 066. |] |
| Email :- carahdesk.wcd@nic.in |] |
| 3. State Adoption Resource Authority (SARA) |] |
| Ranicha Baug, Old Circuit House, |] |
| Pune – 411 001. |] |
| Email :- sara.mspps@gmail.com |] |
| 4. District Child Protection Unit |] |
| Central Administration Building |] |

2nd Floor, Kasba Bawda Road, Kolhapur,]
Maharashtra – 416 06.]
Email :- kolhapurdcpu@gmail.com] ... Respondents

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- *Mr. Rajesh Kachare (Through V.C.) a/w. Mr. Sachin P. Shetye & Mr. Ajay Parsekar for Applicants.*
 - *Ms. Pallavi V. Thorat for the Respondent No.1.*
 - *Mr. Vijay Killedar a/w. Ms. Divya Pawar, Mr. Shivraj Jagdale & Mr. Rahul Rote for the Respondent No.2.*
 - *Mr. S.S. Chaudhari, A.G.P. for the Respondent Nos.3 & 4.*
 - *Officer : Ms. Meena Kalkundre, Co-ordinator Shishugruh, District Probation and After Care Association, Shushugruh, Kolhapur, present.*
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Coram : ASHWIN D. BHOBE, J.

Date : 13th October 2026.

ORAL JUDGEMENT :-

1. Heard, Mr. Rajesh Kachare, learned Advocate for the Applicants, Ms. Pallavi Thorat, learned Advocate for the Respondent No. 1, Mr. Vijay Killedar, learned Advocate for the Respondent No. 2 and Mr. Chaudhari, learned A.G.P. for the Respondent Nos. 3 & 4.
2. With the consent of the parties, this Civil Revision Application is taken up for final disposal at the admission stage.
3. Applicants, by way of this Civil Revision Application filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (“J.J. Act”), are aggrieved by the Order dated 23rd December 2025 (“impugned

order No.1”) and the Order dated 27th March 2026 (“impugned order No.2”), both passed by the District Judge-3, Kolhapur (“District Court”), in Civil Miscellaneous (Adoption) Application No. 113 of 2025.

4. The name and identity of the child are not disclosed in this judgment, in view of the child’s right to privacy and confidentiality under Section 3(xi) of the J.J. Act.

5. The material facts leading to the filing of this application, as revealed from the file of this Application, are:-

- a. Applicant No. 1 – Sushant G. Belekar and Applicant No. 2 –Rama Sushant Belekar were married on 7th April 2005.
- b. The Applicants decided to adopt a child through a recognised adoption agency and registered with the Child Adoption Resource Information and Guidance System, bearing Registration No. PrGo194468462.
- c. On 02.06.2024, the social worker from “Matruchhaya”, a local Specialised Adoption Agency, visited the Applicants’ residence, conducted a survey and submitted a positive report.
- d. On 20.01.2025, the Child Welfare Committee declared the child born on 02.02.2024, legally free for adoption. The Committee

found the Applicants eligible and suitable to adopt the child under the eligibility criteria prescribed under Section 57 of the J.J. Act.

- e. On 16.04.2025, the child was referred to the Applicants through the online Child Adoption Resource & Guidance System and the Applicants accepted the referral.
- f. On 28.04.2025, the child was placed in 'pre-adoption foster care' with the Applicants as per Section 58(3) of the J.J. Act and Regulation 12 of the Adoption Regulations, 2022 ("said Regulations"). After executing the Pre-adoption Foster Care Agreement dated 28.04.2025, the Applicants took custody of the child for pre-adoption foster care on 30.04.2025.
- g. On 19.09.2025, the social worker from the agency Matruchhaya visited the Applicant's residence to assess the child's progress. This was the first post-adoption follow-up report under Regulation 14(1) of the said Regulations. The assessment found that the child was fit and healthy, receiving treatment from a child specialist, had been vaccinated, was emotionally attached to both parents and received proper nutrition and care. The report notes that the family members have adjusted well to the child and are happy with him.
- h. Due to an unforeseen circumstance, namely the demise of the

mother/mother-in-law of the Applicants, Applicant No. 2 began experiencing persistent low mood, loss of interest in day-to-day activities, disturbed sleep and appetite and difficulty concentrating at work.

- i. Concerned for the child's well-being during this phase, Applicant No. 1 filed an affidavit cum application before the District Court, registered as Misc. Civil Application No. 113 of 2025, setting out the position of Applicant No. 2 and seeking surrender of the child's custody to Respondent No. 1.
- j. By impugned order No. 1, the District Judge directed Applicant No. 1 to refer the child for medical examination and called for a report on the child's health within three days. Applicant No. 1 was also directed to produce the child before the Child Welfare Committee (CWC).
- k. By impugned order No. 1, the District Judge closed the proceedings in Civil Miscellaneous (Adoption) Application No. 113 of 2025, consequently, the child was handed over to Respondent No.1 (District Probation and After Care Association).
- l. The Applicants are before this Court, contending that the child was handed over temporarily due to extraordinary

circumstances. Applicant No. 2, who has now overcome the loss of her loved one, is fit, well and in a position to take care of the child. The Applicants and the child, who share a strong bond, seek restoration of the child's foster care to the Applicants.

m. Applicants, relying on the Medical Report dated 19.03.2026 of Applicant No. 2, contend that Applicant No. 2 is stable and fit to care for the child. The Applicants seek the following relief in prayer clause (a) of this Application, as set out verbatim:

“(a) That the record and proceedings in Miscellaneous Civil Application No.113 of 2025 filed before the Learned District Judge-3, Kolhapur be called for and after examining the legality and propriety of the Impugned Order / Judgement dated 23.12.2025 and 27.03.2026, the same be quashed and set aside.”

6. Ms. Pallavi Thorat, learned Advocate for Respondent No. 1, Mr. Vijay Killedar, learned Advocate for Respondent No. 2 and Mr. Chaudhari, learned A.G.P for Respondents Nos. 3 & 4, initially expressed concern regarding the Applicant's claim about the fitness of Applicant No. 2.

7. In view of the concern expressed by the learned Advocates appearing for the Respondents and with the parties' consent, this Court, by order dated 11.09.2026, referred Applicant No. 2 to the Department of Psychiatry, Rajarshi Chhatrapati Shahu Maharaj Government Medical College (CPR

Hospital), Kolhapur, for examination, with a specific request to examine and assess the mental fitness of Applicant No. 2 in relation to her ability to take care of herself and a minor child.

8. The Department of Psychiatry, CPR Hospital, Kolhapur, constituted a Committee of three MBBS, MD (Psychiatry) doctors, viz., (i) Dr. Pawan Khot, Professor & Head, Department of Psychiatry, (ii) Dr. Vishal Patil, Associate Professor, Department of Psychiatry and (iii) Dr. Neil D. Pawar, Assistant Professor, Department of Psychiatry.

9. The Department of Psychiatry, CPR Hospital, Kolhapur, submitted its Report bearing No. R.C.S.M.G.M.C. & C.P.R.G.H./4997/2026, dated 21st September 2026. The said report is on record with “A”. The conclusion recorded by the Committee upon examining Applicant No. 2 is as follows:-

“On history, mental status examination & psychometric testing, ‘No any active Psychopathology’ seen at present. She is fit to take care of herself, family members and a minor child.”

10. The report dated 21st September 2026 was furnished to all parties in this Application. None of the parties has challenged the said conclusion or raised any objection to the findings recorded by the Committee constituted by the Department of Psychiatry, CPR Hospital, Kolhapur, in its report dated 21st

September 2026.

11. Mr. Rajesh Kachare, learned Advocate for the Applicants, submits that Applicant No. 2 has now been assessed and found fit to take care of herself as well as the minor child and therefore the apprehensions, if any, on the fitness of the Applicant No. 2 stand allayed. He further submits that the Applicants had developed a bond with the child and that an unforeseen circumstance that led Applicant No. 1 to decide to hand over the child's custody to the Child Welfare Committee (CWC). He submits that the said decision of the Applicant No.1 was in haste however was taken in the interest and for the well-being of the child. He therefore submits that the Applicants are entitled to have the child's foster care restored to them.

12. Ms. Pallavi Thorat, learned Advocate for the Respondent No. 1, submits that the impugned orders were intended to ensure the child's welfare is adequately protected. She submits that if this Court is inclined to restore the child's pre-adoption foster care to the Applicants, the Applicants should furnish an affidavit from two close relatives/family members, undertaking that, in the event of any contingency, they would step in and take care of the child and ensure that no harm or inconvenience is caused to the child. She further submits that if this Court directs the restoration of the child's pre-adoption foster care to the Applicants, the two-year period contemplated

under the said Regulations should commence from the date on which the Applicants take custody of the child. She submits that although Regulation 14(1) of the said Regulations is silent on physical and mental health reports of both parents, the Applicants should, considering the peculiar circumstances of this case, submit periodical (six-monthly) mental health reports of the Applicant No. 2 to the Respondent No. 1.

13. Mr. Vijay Killedar, learned Advocate for Respondent No. 2, has tendered written submissions in support of his contentions. He submits that Respondent No. 2's primary concern is the child's welfare. He further submits that Applicant No. 1 sought the surrender of custody of the child when Applicant No. 2 was going through a difficult phase. He further submits that if this Court is inclined to allow this Application, appropriate conditions may be imposed to safeguard the child's welfare.

14. Mr. Vijay Killedar, learned Advocate for Respondent No. 2, requests that paragraph No. 6 of his written submissions be taken into account, which reads as follows:

"The child is about 2 years 8 months old and cannot express a 'considered view' (Section 61(1)(b); Section 3(iii)). The welfare of child must, therefore, be assessed through professional assessment. Before any placement, the SAA i.e. Matru Chhaya (Reg. No 293-Goa) may be directed to confirm his current health and development, his individual care plan (Regulation 30(1)(k)-(1)), any attachments formed in the

institution, and his status on CARINGS. A supervised, graded re-introduction to the Applicants, observed by the competent authority shall demonstrate whether the earlier bond can, safely, be re-established and how the transition shall, thereafter, be paced.”

15. In substance, Respondent Nos. 1 and 2 have not opposed this Application. However, they have expressed concern for the child’s welfare and have accordingly advanced submissions seeking appropriate safeguards. The stand adopted by Respondent Nos. 1 and 2, in the peculiar facts and circumstances of the present case, deserves appreciation.

16. Perusal of the record indicates that the Applicants were entrusted with the child’s custody after compliance with the applicable procedure and the requirements of Regulation 30(1)(k) and (l) of the said Regulations, governing pre-adoption foster care.

17. Indisputably, no allegation or material on record, either before the District Court or this Court, indicates that the Applicants' conduct caused any harm or inconvenience to the child during the period the child remained in their pre-adoption foster care. Similarly, the reports submitted by the concerned agencies during the pre-adoption foster care period contain no adverse observations about the Applicants or the child.

18. Records do reveal that the Applicants and the child developed a bond.

Apparently, Applicant No. 1, during the period when he found that Applicant No. 2 required time to overcome a difficult phase in life, took a decision, with the sole intent of the welfare of the child, to surrender the custody of the child, which now appears to have been a decision in haste, though bona fide and in good faith.

19. The Applicants have stated that they are fit, well and capable of resuming care of the child. The Department of Psychiatry, CPR Hospital, Kolhapur, having examined and assessed Applicant No. 2, has submitted a report recording its conclusion on her fitness to care for herself and the child.

20. Respondents neither express any threat to the child from the Applicants nor claim that any such threat is borne out by the record.

21. The only concern voiced by Respondent Nos. 1 and 2's is that the child should not be inconvenienced. In this regard, Mr. Vijay Killedar, learned Advocate for Respondent No. 2, submits that the concerned professional agency should assess the child, who would be residing with the Applicants in the State of Goa.

22. Ms. Pallavi Thorat, learned Advocate for Respondent No. 1 and Mr. Vijay Killedar, learned Advocate for Respondent No. 2, submit that the Specialised Adoption Agency, Matruchhaya, Goa, should, in terms of Regulation 14 of the said Regulations, periodically submit the Home Study

Report on a quarterly basis.

23. Mr. Rajesh Kachare, learned Advocate for the Applicants, has tendered copies of the affidavits of two close relatives of the Applicants, as suggested by Ms. Pallavi Thorat, learned Advocate for Respondent No. 1 and Mr. Vijay Killedar, learned Advocate for Respondent No. 2. Ms. Pallavi Thorat and Mr. Vijay Killedar have expressed their satisfaction with the contents of the affidavits.

24. Section 2(9) of the J.J. Act defines the principle of the “*best interests of the child*”. The paramount consideration in deciding this Application is the child's welfare and best interests. Considering the overall facts, the circumstances of this peculiar case and the provisions of the J.J. Act, I deem it proper to restore the child's pre-adoption foster care to the Applicants.

25. In view of the above and the peculiar facts and circumstances of the present case, this Application is allowed in terms of the prayer clause (a). Consequently, the impugned order No. 1 and Impugned order No.2 are quashed and set aside, subject to the following conditions:

- (i) The pre-adoption foster care of the child is directed to be resumed w.e.f. 19th October 2026. The two-year period of pre-adoption foster care under Regulation 14(1) of the Adoption Regulations, 2022, shall commence from 19th October 2026.

- (ii) The child shall be handed over to the Applicants upon compliance with the requirements of the applicable Regulation of the Adoption Regulations, 2022, execution of the requisite agreement/affidavits, furnishing the original Affidavits of the two close relatives to Respondent No. 1 and compliance with any other requirements.
- (iii) The Specialised Adoption Agency, Matruchhaya, Goa, shall submit the Home Study Report of the Applicants and the post-adoption follow-up report concerning the child on a six-monthly basis, in accordance with Regulation 14(1) of the Adoption Regulations, 2022.
- (iv) Applicants shall furnish their address along with proof of residence in the State of Goa to the Respondent Nos. 1, 2 and to Matruchhaya, Goa on or before 21st October 2026.
- (v) Respondent No. 1 shall be at liberty to consider and impose any further appropriate conditions necessary to safeguard the best interests and welfare of the child, having regard to Section 2(9) of the J.J. Act.
- (vi) Applicants shall strictly comply with the pre-adoption Foster Care agreement and affidavits, act in the welfare of the child and

comply with the J.J. Act and applicable regulations.

26. This Court records and appreciates the fair stand and the assistance rendered by Ms. Pallavi Thorat, Mr. Vijay Killedar and Mr. S. S. Chaudhari in this matter. More particularly, they did not treat this matter as an adversarial case but viewed it in the child's interest.

27. This Court records its appreciation for the prompt assistance rendered by the Department of Psychiatry, CPR Hospital, Kolhapur, headed by Dr. Pawan Khot and the Committee members.

28. After this order was dictated in open Court, the Applicants present in person state that they are willing to donate an amount of ₹1,00,000/- (Rupees One Lakh only) to Respondent No. 1 - District Probation and After Care Association, to be utilised for the welfare of any other needy child in the custody of Respondent No. 1. Applicants state that the amount shall be deposited in the account of Respondent No.1 in two weeks.

29. The Civil Revision Application No.77 of 2026 is disposed of in above terms.

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[ASHWIN D. BHOBE, J.]