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

**JUDGES ORDER NO. 182 OF 2015
IN
FOREIGN ADOPTION PETITION NO. 32 OF 2015**

Indian Association for Promotion of Adoption
& Child Welfare ...Petitioners
And
Martinelli Marco, an Italian National
Spalatri Donatella w/o. Martinelli Marco ...Proposed Adopters

Mrs. Lalita Jaya Raj for the Petitioners
Mr. O. Harendran, Representative of ICSW present

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 16TH SEPTEMBER, 2015**

P.C. :

1. The Judge's Order was passed on 1st July, 2015. The minor child Sapna was allowed to be adopted by the above proposed adopters. However thereafter the minor child has shown her disinclination and displeasure in leaving India with her adoptive parents. The Social worker and authorised signatory of the petitioners has filed an affidavit in that behalf. The adoptive parents have given in writing that they do not desire to take the minor child anywhere against her own will and have, therefore, applied for revocation of the order.

2. Upon hearing Counsel on behalf of the petitioners it is seen that it would be in the best interest of child who is 11 years of age to allow her the freedom to decide her own future and express her wishes which must be honoured. Consequently the Judges Order dated 1st July, 2015 is revoked.
3. Consequently the Prothonotary and Senior Master of this Court shall refund Rs.60,000/- paid by he petitioners.
4. The passport of the child shall be corrected accordingly.
5. The minor child shall be entitled to be put up for adoption again since the process of adoption and her fitness to be adopted has already been considered.
6. The adoptive parents have undergone the entire process of adoption successfully. Hence the CARA shall consider this aspect if the adoptive parents seek to adopt another Indian child.

(ROSHAN DALVI, J.)

CERTIFICATE

**Certified to be true and correct copy of the original signed
Judgment /order.**