

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
JUDGE'S ORDER NO.25 OF 2016
IN
FOREIGN ADOPTION PETITION NO.10 OF 2016**

Bal Asah Trust

...Petitioner

Versus

Mr. Juan Jose Sanchez De Andres & Anr.

...Proposed
Respondents

Mr. Rakesh Kapoor, *for the Petitioner.*

Mr. O. Hareendran, *representative of ICSW present.*

CORAM: G.S. PATEL, J.
DATED: 23rd March 2016

P.C.

1. Mr. Kapoor for the adoptive parents submits an updated Child Care Plan dated 17th February 2016 in a fresh compilation. This Child Care Plan is filed pursuant to the order dated 10th February 2016. I have seen the new plan as also the Affidavit filed by the prospective grand parents affirmed on 22nd February 2016. I am satisfied that the Child Care Plan is in order. The Affidavit by the grand parents assuring additional home support is also relevant and is accepted.

2. In addition the compilation contains updated health and medical test reports for the minor, Rudra. These are current as of 24th February 2016 and they are clear. The statement from the agency dated 22nd February 2016 is also in the compilation. This statement reconfirms portions of what is stated in the revised Child Care Plan, *inter alia*, that the adoptive mother is entitled in law to four months' paid maternity leave and in addition since she is self-employed, can take as much time of as she wants. I accept this statement of the agency signed by the social worker as well.

3. The Petition is accordingly allowed with the Judge's Order being separately signed. The compilation is taken on record and marked "X" for identification.

4. I find that in all these adoption matters, periodic progress reports are filed till such time as the amounts ordered to be deposited are finally refunded or adjusted. I am informed that at present the progress reports are placed before the Prothonotary and Senior Master. This in turn is delegated to Chamber Registrar. I am not questioning the competence or ability of either the Prothonotary and Senior Master or the Chamber Registrar. I have no doubt that both of them are perfectly competent and able to handle this administrative work.

5. However, there is an aspect that is beyond mere routine administrative work. After all the child has been given in adoption under the *imprimatur* of this Court. When passing orders in adoption Petitions, the Court is in the position of a parent *vis-à-vis* the minor child. It is, in law, *in loco parentis* I believe this make it

absolutely essential that the learned Judge to whom these matters are assigned should be given the opportunity to review the periodic progress reports so that the judicial conscience is satisfied that the child is well placed, progressing well and has adjusted in his new home, family and milieu.

6. The Registry is directed therefore to place all pending matters in which there are progress reports before me on the next adoption day for directions and to continue to do so henceforth till otherwise directed.

7. A copy of this order is to be placed before the Prothonotary and Senior Master for future administrative directions as well.

(G. S. PATEL, J.)