

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
JUDGE'S ORDER NO. 52 OF 2016
IN
FOREIGN ADOPTION PETITION NO. 20 OF 2016**

Bal Vikas Mahila Mandal

...Petitioner

And

Mr. Ranjit Ramkelawon and another

...Proposed
Adopters

Mr. Rakesh Kapoor, *for the Petitioner.*

Mr. O. Hareendran, *Scrutiny Officer of ICSW.*

Mr. Sunil Arora, *Executive Director of Bal Asha Trust.*

CORAM: G.S. PATEL, J

DATED: 21st September 2016

PC:-

1. This is in continuation of a previous orders dated 27th July 2016. The date is incorrect on that order as also in the order of 18th August 2016. Both those errors will be corrected.

2. As I have previously noted, the minor in question, Vyenktesh, then proposed to be renamed as Vyaan, was placed for adoption for a couple from South Africa. After the adoption Petition was allowed, on the very eve of his departure to South Africa, the doctors in

Latur detected he had a serious medical condition, cerebral palsy. I was compelled to rescind the order of adoption and to direct the minor to be returned to the Bal Vikas Mahila Mandal, Latur.

3. I then directed that the child be transferred to a suitable institution in Mumbai to ensure on-going treatment at a better-equipped facility. On 18th August 2016, I noted that CARA had in principal approved the transfer of the minor from Latur to Mumbai. A suitable institution in Mumbai was then yet to be identified.

4. Today, I have heard Mr. Kapoor, Mr. Hareendran and Mr. Sunil Arora, the Executive Director of Bal Asha Trust who is personally present. The Bal Asha Trust is ready to take the minor. Mr. Arora gives me a print out of the various activities of the trust. I take this on record and marked this "X4" for identification. He also points out that the Bal Asha Trust is well-equipped to handle precisely such conditions. It has several in-house facilities to deal with infant developmental delays, learning and attention problems, speech delays, neuro-developmental therapy, etc. Mr. Arora says he has seen a video of the minor. He confirms that one of the city's leading paediatric neurologists, Dr. Anahita Hegde, will make her services available to attend to this minor at the Bal Asha Trust.

5. All of this is extremely positive. There is the question, of course, of finding funding for the minor's treatment. Mr. Arora says that the Bal Asha Trust also undertakes funding for such causes. They will take steps in that regard. In addition, the Associate is directed to obtain the necessary details of the Bal Asha Trust and

keep them available with my Court Associate. I make this provision because in some other case, where, for instance, costs are awarded these can be directed to be paid to the Bal Asha Trust and specifically earmarked for the ongoing treatment of the minor. I will, of course, also be communicating this to my other colleagues with a request that in cases before them they may also consider making a similar order.

6. The Child Welfare Committee of Latur is directed to issue the necessary directions on or before 30th September 2016 for the transfer of the minor to the Bal Asha Trust. The Bal Vikas Mahila Mandal, Latur will thereafter arrange to have the minor brought to the Bal Asha Trust, Mumbai with an appropriate escort.

7. I will list the matter for further directions on 5th October 2016. By that date I expect that the minor will be with the Bal Asha Trust in Mumbai.

8. Mr. Arora makes a submission that I think it is well-founded. He requests that a direction be issued to CARA that this child should not be kept waiting to find a suitable adoptive parent. That process should begin in parallel. Of course, the child's condition and treatment will need to be disclosed but the process should start now so that an opportunity when it presents itself of parents who are willing to take the responsibility of this minor with this condition is not lost. CARA is directed, therefore, to place the child on its online panel or portal, with, of course, the appropriate disclaimers or clarificatory statements as to his condition.

9. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)