

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO.3 OF 2016**

Mr. Moses Jaywant Pereira
nee Mr. Mahesh Jaywant Kulkarni & Anr.

...Petitioner

Mr. Vincent Pereira, *for the Petitioner.*

**CORAM: G.S. PATEL, J
DATED: 24th June 2016**

PC:-

1. This is an adoption Petition in respect of female minor named Avita Moses Pereira. She was born on 13th May 2010. Avita has been brought to my Chambers today by her parents, the Petitioners. The Petitioners are both Indian nationals. They live in Mulund, Mumbai. They were married on 1st June 2000.

2. The Petitioners previously filed Guardianship Petition No.30 of 2013. This was allowed by a Judge's Order No.294 of 2013 on 29th January 2014.

3. It is pointed out to me that following the decision of Mr. Justice Rebello (as he then was) in *In Re: Manuel Theodore D'Souza*,¹ the parties have had to wait for the period of two years before bringing this adoption Petition. There are six additional directions set out in that judgment. In the present case, all six are satisfied. Mr. Hareendran, the Scrutiny Officer of the ICSW, is also before me and he, too, recommends the adoption.

4. In paragraph 3, the Petitioner states that pursuant to the order in Judge's Order they have invested Rs.1 lakhs with LIC in Avita's name. A copy of that receipt is annexed.

5. The Petitioners say that they have been maintaining and educating Avita as their own daughter. She goes to the Mary Ward School, Mulund. She has been recently promoted to 1st standard. A copy of her progress report is annexed.

6. The record shows that Avita's biological father Raju Shankar Poojari (Pujari) entrusted her to the Petitioners' care and custody some time in 2011. He made an Affidavit to this effect dated 7th May 2013. This is annexed to the previous Guardianship Petition No.30 of 2013. The minor's name was then Akshata. Her biological father said in this Affidavit that he did not have the means to look after and maintain Avita/Akshata. His wife Jyoti had died on 20th June 2011. It is in these circumstances that Avita/Akshata came to be with the Petitioners.

1

2000 (2) Bom CR 244

7. I have myself seen Avita interacting with the Petitioners today. It is apparent that she is not only very attached to them, but that the three of them are beyond any doubt a family in every sense of the word. It would, in my view, be unjust to deny this Petition.

8. The Petition is made absolute in terms of prayer clauses (a), (b) and (c).

(G. S. PATEL, J.)