

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
JUDGE'S ORDER NO.148 OF 2016
IN
FOREIGN ADOPTION PETITION NO.52 OF 2016**

Bal Anand	...Petitioner
<i>And</i>	
Mr. Marano Bruno Maria and Another	...Proposed Adopters

Mr. Rakesh Kapoor, *for the Petitioner.*
Mr. O. Hareendran, *Scrutiny Officer of ICSW.*
Mrs. Vandana Patil, *Social Worker.*

CORAM: G.S. PATEL, J
DATED: 10th August 2016

PC:-

1. This Adoption Petition proposes the adoption of a male minor Rehan Khan. He was born on 3rd October 2008. He was admitted to the Beggars' Home by the Marine Drive Police Station, Mumbai, with his mother on 23rd July 2009. His mother was then suffering from Tuberculosis. She was admitted to the TB hospital at Sewri on 24th July 2009. She fled the hospital on 12th August 2009, leaving Rehan at the Beggars' Home. The child was then produced before Child Welfare Committee, Mumbai Suburban District by the

Probation Officer of the Beggars' Home for safe custody and protection under the Juvenile Justice Act on 13th August 2009. The Child Welfare Committee admitted Rehan to the Petitioner Institution, Bal Anand, on 13th August 2009.

2. On 27th April 2015, the Child Welfare Committee, MSD, noted that previous directions requiring that a telecast be done on the Sahyadri Satellite Network on 15th March 2010, newspaper notices be issued in Lokmat and Loksatta asking the relatives of the mother to contact the institution or nearest police station had all been complied with, but none had come forward to claim the child. There was also a final report of the Probation Officer of the Beggars' Home dated 28th November 2014. The final report of the social worker of Bal Anand dated 27th April 2015 was submitted to the CWC. Based on these facts the CWC, Mumbai suburban district declared Rehan legally free for adoption under the Juvenile Justice Act and restore him to Bal Anand for further rehabilitation. The free for adoption order and consent letter are on record. There is also on record an undertaking by Bal Anand.

3. The present proposal has received a no objection from Central Adoption Resource Authority (CARA) on 30th June 2016 as being in conformity with the guidelines governing the adoption of Children 2015.

4. The proposed adoptive parents are both Italian Nationals aged 50 and 46 years respectively. They have been married for 20 years. They have no children of their own. Their health reports are

in order. The proposed adoptive father is a Petty Officer in the Italian Army with a gross income of over Euro 36,000/-. The adoptive mother works as a teacher with Association Nursery School Giobatta e Rosa ONLUS, Lagarina, Italy with a gross income over Euro 28,000/-.

5. The bank reference and self declarations of financial status are on record. There is also a child care arrangement plan declared by the mother which states that she will not go to work for six months. Thereafter her neighbour will take care of the minor. They also plan to adopt a part-time domestic servant to take care of the household chores.

6. I have seen closely the home study report which is at pages 81 to 91. It is entirely positive. It portrays the adoptive parents as open-minded and trustworthy. They have approached the complex and difficult business of adoption with seriousness and concern. They have found to be suitable by the local authority in Italy. That authority has stated that they are fit to adopt the child born before 1st December 2010. At the time when this proposal was first made, Rehan was younger. In the time since the parents have made considerable efforts to develop a bond and relationship with Rehan. This is evident, because Rehan is himself with me today. I must say I consider it personal privilege to met this bright young man. He has shown me a scrap book and drawing book that he has kept. The scrap book contains photographs of his adoptive parents, his adoptive grandfather, the house where he will go to stay and his own bedroom in that house.

7. The medical reports of the minor and the parents are both in order.

8. Mr. Kapoor for the Petitioner tenders a compilation containing Psycho Social Report for the minor dated 5th August 2016 and the income tax documents of the adoptive parents along with latest income certificate of 15th July 2016. The compilation is taken on record and marked "X1" for identification. The Psycho Social Report says that Rehan is energetic, imaginative and sensitive. He enjoys exploring and manipulating mechanical toys. He is curious by nature and deeply interested in learning practical matters. He likes to interact with both adults and children and seeks acceptance. There are times when he veers from being cooperative and obedient to being more truculent. This is to be expected in a child of his age and given his background. He is very receptive on a one-to-one basis. The report states that he harbours a need for affection and consistent parenting. The report specifically notes that he says that he looks forward to going home to parents. He also needs considerable amount physical activity, consistent and firm disciplining and unconditional affection and acceptance. I can understand this because, given his background, any hint of rejection or disapproval is likely to result in him becoming more defiant. Undoubtedly the parents will need to pay attention to this in the years that follow.

9. The declarations of consent and willingness are also on record.

10. I have before me a scrutiny report from Mr. Hareendran, Scrutiny Officer of the ICSW. This is taken on record and marked “X2” for identification.

11. Given that the parents are Italian, the institution has kept a Italian teacher for him and Rehan already knows few words in Italian. He has also communicated with his parents on video conference.

12. In view of this the Judge’s Order is accordingly signed and the Petition is allowed.

(G. S. PATEL, J.)