

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
JUDGE'S ORDER NO.149 OF 2016
IN
FOREIGN ADOPTION PETITION NO.53 OF 2016**

Bal Asha Trust

...Petitioner

And

Mr. Anthony Joseph Regis Guillou and Another.

...Proposed
Adopters

Mr. Rakesh Kapoor, for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer of ICSW.

CORAM: G.S. PATEL, J

DATED: 10th August 2016

PC:-

1. The adoptive parents are French nationals aged about 39 years, and married for the past ten. They have biological son Matheo, who is today aged about 10 years. The second proposed adopter the mother is actually of Indian origin. She was born in Mumbai, and she herself was adopted by French couple in 1978. Her adoption details are on file. To my mind this in itself is a very positive factor in favour of this particular adoption.

2. The minor in question is a female named Anokhi. She was born on 22nd September 2014 and presented to the Child Welfare Committee, Mumbai by her parents on 1st October 2014 for relinquishment. The child was given to the safe custody of the Bal Asha Trust on 1st October 2014. On 7th October 2014, the biological mother relinquished her child for permanent rehabilitation to the CWC, Mumbai and Anokhi continued with the Bal Asha Trust.

3. Since then the CWC has declared Anokhi to be legally free for adoption noting that the biological mother has given up her rights in the best interest of the child. The mother was given a period of sixty days to reconsider the relinquishment. Till date she has still not come to claim her child. Anokhi is today about two years old.

4. The necessary undertakings by the Petitioners and approval from the Central Adoption Resource Authority (CARA) are on record. The health reports of the adopters are in order. Mr. Kapoor tenders a compilation which contains the HIV reports of the minor and the parents all of which are negative and non reactive. The compilation is taken on record and marked "X1" for identification.

5. The adoptive father is the Manager and sole shareholder of a painting Company. The mother works as an administrative Secretary in that Company. The gross income is just about comfortable. I would not say that it is extremely high but it certainly appears to be sufficient to allow for sufficient care of both the minor children.

6. As to the child care arrangement, the mother says that she will stop working for such time as is necessary and so long as Anokhi requires her presence at home to adopt to her new life in France.

7. The home study report says that the parents are very close with strong respect and living in harmony. They are warm and open-minded. This report also notes the mother's history of adoption from Mumbai as a positive factor. The social assessment report is also favourable. The necessary permissions are in order.

8. As to minor's health condition, other than an early onset of diarrhoea in the past, there are no other issues. There is a report from the P.D. Hinduja National Hospital which says that there is a mild elevation of a hearing threshold on the right and suggests that a further report should be done. There is a subsequent BERA study report of 9th May 2015 which indicates normality. These reports have been countersigned by the adoptive parents.

9. The Scrutiny Report of Mr. Hareendran, ICSW is taken on record and marked "X2" for identification.

10. In view of these factors, the Petition is allowed.

11. The Judge's Order is separately signed.

(G. S. PATEL, J.)