

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

IN ITS GENERAL AND INHERENT JURISDICTION

**FOREIGN ADOPTION PETITION NO. 2 OF 2017
WITH
JUDGES ORDER NO. 8 OF 2017
IN
FOREIGN ADOPTION PETITION NO. 2 OF 2017**

Ganesh ... Minor

MSWC, Asha Sadan

.. Petitioner

And

1) Francesco Maffeis

2) Sara Giordano

.. Proposed Adopters

Smt. Lalita Jaya Raj for petitioner.

Mr.O. Hareendran, Scrutiny Officer of ICSW.

**CORAM : K.R.SHRIRAM, J.
(IN CHAMBERS)**

DATE : 1ST FEBRUARY, 2017

P.C.

1 The petition proposes adoption of a male minor Ganesh born on 20th May 2014 by two Italian nationals residing at Bonate, Italy. The minor Ganesh was admitted to the Petitioner institution by his birth mother on 11th November 2014. The said minor was thereafter produced before the Child Welfare Committee, Mumbai on the same day and the safe custody was continued till 7th January 2015 vide order dated 11th November 2014. Subsequently, on 13th November 2014, the biological mother executed a

Deed of Surrender before the Child Welfare Committee, Mumbai under the provisions of Juvenile Justice Act, 2000 (as amended). The Child Welfare Committee, Mumbai has issued an order dated 6th April 2015, signed on 24th April 2014 stating that after the child was admitted to Asha Sadan on 11th November 2014 and with the given circumstances of abandonment, newspaper publication was done in daily newspapers viz., in Samna on 2nd January 2015 and on 20th February 2015 in Sakal. On 13th January 2015, the reconciliation period given to the mother was over and during that period or after that period, no one came forward to claim the child till today. The child has been declared legally free for adoption, given these facts and circumstances on 6th April 2015 under Section 41(5) of Juvenile Justice Act, 2000 (as amended) and committed to be in the care of MSWC, Asha Sadan for a period of one year under Section 39 of the J.J. Act, 2000 for his further rehabilitation.

3 I have considered the petition, annexures thereto and the Report dated 20th January 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW). In the report, it is stated that the ICSW has verified all the documents and circumstances and ICSW has recommended the child be given in adoption to the proposed adopters. The Report of ICSW is taken on record and marked 'X' for identification.

4 The adoptive parents are both aged 34 years and have been married for seven years with no biological children. Their Health Reports state that they do not have any chronic, contagious or incurable disease which can hamper parenthood. Their HIV and HBsAg test reports are also 'Negative'. The adoptive father is working as an Outreach Worker and Co-ordinator with Social Co-operative II Puagno Aperto, Italy. His gross Annual Income is Euro 20,485.00. The adoptive mother is working as a Manager with the company Promod Italia s.r.l.(Ltd.) and her annual income is Euro 27,568.00. Financial Declaration, Bank Reference of the proposed adopters are also on record so also the Childcare Arrangement Plan and the Child Security Letter from the proposed adopter's relatives.

5 The Home Study Report is also positive. The Medical Report of the minor child has been handed over to the adoptive parents and they have countersigned the report.

6 In view of this, the petition is allowed and the Judges Order is separately signed.

(K.R. SHRIRAM, J.)