

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

IN ITS GENERAL AND INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO. 4 OF 2017

WITH

JUDGES ORDER NO. 12 OF 2017

IN

FOREIGN ADOPTION PETITION NO. 4 OF 2017

Nazma ... Minor

St. Catherine's Home

.. Petitioner

And

1 Ms. Maria Elena Puga Silos, Spanish

.. Proposed Adopter

Mr.Rakesh Kapoor 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 female minor Nazma born to a married couple on 16th January 2012 and her custody was taken by Child Line on 14th October 2013 as the biological mother of the child expired on 2nd September 2013 and the biological father left the said minor with his neighbour one Geeta Vikas and absconded. As the said neighbour was not in a position to take care of the said child, she called Child Line for help and

subsequently the said minor was produced before Child Welfare Committee, Mumbai, Suburban District Mankhurd on 14th October 2013. The minor's custody was given to the petitioner-home under the provisions of Section 33(i) of Juvenile Justice Act, 2000 (as amended).

2 The Child Welfare Committee, Mumbai Suburban District, Mumbai has issued an order dated 6th August 2014 stating that Newspaper publications were done in daily Loksatta Mumbai Vruttant on 12th February 2014 and Mumbai-Sakal on 7th June 2013. After the minor was admitted to the petitioner-home and even after the newspaper publications were given, it is stated that nobody has come forward to claim the child. The Final Report of Child Welfare Committee is also annexed and Child Welfare Committee has declared the child legally free for adoption.

3 I have considered the petition, annexures thereto and the Report dated 21st January 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) marked 'X-1'. In the report, it is stated that the Tax Certificate of the proposed adopter along with Child Care Arrangement plan from the relatives of the proposed adopter and the HIV Report of the proposed minor require to be submitted.

4 The Advocate appearing for the petitioner tenders a compilation of documents containing Medical Report issued by Neha Diagnostic Centre, Mumbai that the HIV-1 & 2 Test Results are 'Negative'. Also tendered is a report from Kokilaben Dhirubhai Ambani Hospital, dated 25th January 2017 which states “Detection of HIV Ag/Ab-Non-Reactive, 0.08”. The counsel also tenders Child Care Plan, dated 27th October 2016 from the proposed adoptive mother. The documents tendered today are taken on record and marked 'X' for identification. To the petition is annexed a letter issued by the Uncle of the adoptive mother confirming the child care arrangement plan. All the requisite documents are also annexed to the petition.

5 The proposed adopter aged about 42 years is a single woman of Spanish Nationality residing at Malaga, Spain with no child. The proposed adopter is working as a Higher Technician (Civil Servant) in the Territorial Office of Regional Ministry of the Agriculture, Fishing and Rural Development in Malaga for the last 11½ years and her gross annual income is Euro 21,906.44. The certificates issued by Tax Agency are also tendered and form part of 'X'. It is stated that her income is sufficient to manage and take care of this child Nazma.

6 The Home Study Report is also positive so also the Medical reports of the adoptive mother. The Medical Report of the minor child has been handed over to the adoptive mother and she has countersigned the report.

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

(K.R. SHRIRAM, J.)