

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

IN ITS GENERAL AND INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO. 5 OF 2017

WITH

JUDGES ORDER NO. 13 OF 2017

IN

FOREIGN ADOPTION PETITION NO. 5 OF 2017

Suchitra (Now being called as 'Anaya Sarkar') ... Minor

Bal Asha Trust

.. Petitioner

And

1) Siddhartha Ashit Sarkar

2) Mrs.Antara Sarkar

.. Proposed Adopters

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 Suchitra (*Now being called as 'Anaya Sarkar'*), born on or about 30th April 2015, by two Indian nationals residing at Singapore. The minor Suchitra (*Now being called as 'Anaya Sarkar'*) was found abandoned at Nair Hospital Mumbai on 19th May 2015 and taken charge by Agripada Police Station, Mumbai on 29th June 2015 and admitted to the Petitioner Trust on the same day. On 30th June

2015, the said minor was produced before the Child Welfare Committee, Mumbai City II and the safe custody was continued to the petitioner-Trust for further procedures for rehabilitation.

2 The Child Welfare Committee, Mumbai II has issued Free For Adoption order dated 15th January 2016 stating that Newspaper publications with photo were done in Saamana Mumbai on 11th July 2015 and Maharashtra Times on 30th July 2015. On 7th July 2015, age verification was done at Sir J.J. Group of Hospital and Final Report dated 30th November 2015 of police after making attempts to search for biological guardians of the minor as well as the Report dated 28th December 2015 of the Social Worker is on record. After the minor was found on 19th May 2015, no one has come forward to claim the child till today. Therefore, given these facts and circumstances, the child has been declared legally free for adoption on 28th December 2015 under Section 41(5)(a) of Juvenile Justice Act, 2000 (as amended) and committed to be in the care of the petitioner-Trust under Section 39(3)(f) of the Juvenile Justice Act, 2000 (as amended) for her further rehabilitation.

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). In the report, it is stated that custody order along with the HIV reports and the Declaration and undertaking of proposed adopters need to be submitted. The said report is taken on record and marked 'X' for identification.

4 The counsel appearing for the petitioner tenders a compilation of documents containing a report, dated 23rd November 2016 issued by N M Medical of the minor certifying “Qualitative Determination of HIV p24 Antigen & HIV I & HIV II Antibodies-0.18-Non-Reactive”; custody report, dated 29th June 2015 of CWC, Mumbai City-II; Declaration, dated 7th January 2017 of Willingness and ability to adopt from the adoptive parents; and Latest HIV report dated 27th January 2017 of minor issued by Breach Candy Hospital Trust, Mumbai, certifying it to be non-reactive. The same are taken on record and marked 'X-1 colly.' for identification.

5 The adoptive parents aged about 39 years and 38 years, respectively, residing at Singapore, have been married for past 10 years with no biological children. Their Health Reports state that they are physically and mentally fit to parent a child. Their HIV and Ag/Ab test reports are 'Non-Reactive'. The adoptive father is working as a Vice President, Ship Operator with CCI Asia Holdings Co. Pte. Ltd. (a Subsidiary of Castleton

Commodities International LLC) with monthly salary of SGD 230,000.00 and his wife is a Housewife. Tax Notice of Assessment, Bank references and proof of residence and property of the proposed adopters are also on record. 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.)