

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

IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO. 4 OF 2017

WITH

JUDGES ORDER NO.43 OF 2017

IN

INDIAN ADOPTION PETITION NO. 4 OF 2017

JUSTIN SEBASTIAN SEQUEIRA ... MINOR

Mr. Sebastian Sequeira ... Petitioner

Mr. Rakesh Kapoor, Advocate for the Petitioner.

Mr.O. Hareendran, Scrutiny Officer of ICSW.

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

DATE : 8TH MARCH, 2017

P.C.

1 This is a Petition for the adoption of a male minor, JUSTIN born on 6th May 2006 by the Indian National. The said male minor was an inmate of Shejar Chhaya (Specialized Adoption Agency), Vasai, Dist: Thane. By an order dated 29th January 2007 passed by the Honourable IInd Additional Dist. Judge, Thane in Civil Miscellaneous Application No. 297 of 2006 the said Agency proposed the said Minor in Guardianship jointly to the Petitioner Mr. Sebastian Sequeira and his late wife Mrs. Rita Sequeira. The

said Order dated 29th January, 2007 is on record. The said Petition is filed by the Petitioner as per the provisions of the Judgment dated 27th October, 1999 of the Hon'ble Shri Justice F.I.Rebello, J. in ***Manuel Theodore D'souza & Mrs. Lourdes D'souza (Indian Guardianship Petition No.74 of 1999) alongwith Gordon Maurice Tone & Mrs.Jane tone (Indian Guardianship Petition No.75 of 1999)***¹.

2 I have considered the petition, annexures thereto and the Report dated 4th March, 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification.

3 The Petitioner (Widower) is Indian National, residing in Worli, Mumbai aged about 52 year. He was married to late Rita Sequeira on 15th December, 2001 and has no biological children. His Wife Mrs. Rita Sequeira was expired on 15th October, 2014 at Mumbai. Her Death Certificate is on record.

4 The Petitioner is working as Marketing Supervisor with ACE Contractors and Engineers, Mumbai and his monthly salary is Rs. 12,500/- (Rupees Twelve Thousand Five Hundred only). The Bank Fixed Deposit

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Certificates, LIC Certificates, Bank Statement and Proof of Property are on record. The Petitioner had taken a LIC Policy (Jeevan Kishore with profit) in the name of said Minor for the sum assured Rs.1,05,000/- and the yearly premium installment of said policy is Rs. 5,408/- (Rupees five thousand four hundred eight only).

5 Health Reports dated 19th January, 2017 of the Petitioner as well as the minor are on record. In the said Report it is stated that both the Petitioner as well as the minor are physically and mentally fit.

6 The Home Study Report dated 30th January, 2017 of the adoptive family submitted by the Social Worker is on record. In the said Report it is stated that the Petitioner's wife died due to failure of kidney. She was working with Nair Hospital as a Staff Nurse. The Petitioner is a joint family member and he has right in the joint family property which is situated at Naigaon and Worli. The petitioner has invested all service dues of his deceased wife in Fixed Deposit. He has made arrangement of said minor with his brother Agnelo who is residing at Naigon. The Petitioner keeps the minor Justin with his brother Agnelo at Naigaon for five days during the week. On Saturday, Sunday Justin is with the Petitioner at Worli home. Since last two years Justin is staying with his Paternal Uncle at Naigon. He

spends his time with his cousin Nitin Sequeira.

7 The follow up Report dated 30th January, 2017 of the said minor is on record. In the said Report it is stated that “Justin is Healthy and Normal”. He is active and independent. He is very close to his father, i.e, the Petitioner and enjoys spending long rides with his father. Therefore, I do not find any impediment in granting the relief sought in this petition.

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

(K.R. SHRIRAM, J.)