

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION**

**INDIAN ADOPTION PETITION NO. 3 OF 2017
WITH
JUDGES ORDER NO.23 OF 2017
IN
INDIAN ADOPTION PETITION NO. 3 OF 2017**

Aishani @ Rebecca Mary Fernandes ... Minor

SWTI, Bal Vikas Shishu Bhavan, Malad East

Mumbai

... Petitioner

And

Mr.Laurent Joseph Martin Fernandes &

Mrs.Hazel Marie Fernandes

.. Proposed Adopters

Ms.Lalita Raj for petitioner.

Mr.O. Hareendran,Scrutiny Officer of ICSW.

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

DATE : 1ST MARCH, 2017

P.C.

1 This is a Petition for the adoption of a female minor AISHANI @ REBECCA born on 9th August 2016 by the Indian national. The biological mother relinquished her child to Bal Vikas Mandal, Mumbai in the presence of Child Welfare Committee, Mumbai Suburban District, Mumbai on 12th August, 2016. The Custody of the said minor child was given to the Petitioner-Institution as per the order, dated 12th August, 2016 passed by the Child Welfare Committee, Mumbai under Section 33(i) of Juvenile Justice Act, 2000.

2 The Child Welfare Committee by an order dated 11th November, 2016 declared that the date of birth of said minor is 9th August, 2016 as per the Discharge Card. In the Report, dated 11th November, 2016 submitted by the Bal Vikas it is stated that till date the biological mother has not come forward to claim the above mentioned female minor child. In the facts and circumstances mentioned hereinabove, the said minor female child was declared legally free for adoption under Section 41(5)(b) Juvenile Justice Act 2000, and committed to Bal Vikas under section 39(iii)(f) of Juvenile Justice Act, 2000.

3 I have considered the petition, annexures thereto and the Report dated 14th February, 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification.

4 The Petitioners are Indian National, residing in Mazgaon, Mumbai aged about 43 and 45 years respectively. They have been married for the past 6 years. They have no biological children of their own. They are in good health. The Motivation letter from proposed adopters is on record. The Health Report dated 24th February 2016 of the proposed adopters is on record. In the said Report it is stated that the proposed adopters are mentally and physically fit for adoption and their HIV and HBSAg test reports are

'Non Reactive'.

5 The 1st proposed adopter is working as a 2nd Officer with Western Geco International Resources Ltd., Tortola, British Virgin Island since 12th June 2008 and his annual salary is about 50,300 US\$. The Second proposed adopter is working as a Deputy General Manager (Finance-Taxation) with Mazgaon Dock Ship Builders Limited, Mumbai since 12th November, 1997 and her monthly gross salary is Rs. 1,27,035/- (Rupees One Lakh Twenty Seven Thousand Thirty five only). The Chartered Accountant Certificate, Bank Accounts reference as well as proof of property and residence are on record.

5 The Child Care arrangement letter from the prospective adoptive mother is on record. In the said letter it is stated that she is working with Mazgaon Dock Ship Builders Limited, Mazgaon, Mumbai as a Deputy General Manager and her working hours are 9.00 a.m to 5.00 p.m. There is 5 days working week. When she goes to work, her mother will take care of child. The proposed adopters are also planning for keeping 24 hours domestic help. The Undertaking dated 25th February, 2016 of the mother of proposed adopter No.2 is on record. In the said Undertaking she has promised to take care of the child and has assured that the child will be her

responsibility when the proposed adopter No.2 is at work.

6 The Home Study Reports dated 25th February 2016 and 22nd March 2016, respectively, of the proposed adopters and the child are on record. The follow up Report of the proposed minor is on record. An Undertaking dated 17th January, 2017 by the Brother and Sister-in-Law of the 1st proposed adopter is on record. It is stated in the said Undertaking that they will look after the proposed minor in case of any mishap to the proposed adopters.

7 Medical Report dated 26th December, 2016 of the child is on record. It is stated in the said report that child is “ Normal Child”. The proposed Adopters have countersigned the said report. The HIV Report dated 12th November, 2016 of the said Minor is Negative and same is on record. The Declaration of Willingness & Affidavits by the proposed adopters are on record. The Undertaking dated 24th January, 2017 given by the authorities of “Family Service Centre” is on record. 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.)