

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

IN ITS GENERAL AND INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO. 8 OF 2017

WITH

JUDGES ORDER NO.20 OF 2017

IN

FOREIGN ADOPTION PETITION NO. 8 OF 2017

Shiva .. Minor

Janani Ashish Charitable Trust,Thane

..Petitioner

And

1 Mr. Baranidhar Nagarajan Naidu

2 Mrs. Gomati Baranidhar Naidu

..Proposed Adopters

Mr. Rakesh Kapoor for the Petitioner.

Mr.O. Hareendran, Scrutiny Officer of ICSW.

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

DATE : 15th FEBRUARY, 2017

P.C.

1 The petition proposes adoption of a Male minor Shiva born on 1st April 2013 by Indian Nationals residing at Bur Duabi, U A E. The said Male child was found abandoned by Bazarpeth Police Station, Kalyan on 25th September, 2015 and they tried to search the parents of the child but in vain. Therefore, police produced the said minor before the Child Welfare Committee, Thane on 28th September, 2015. Subsequently by an Order dated

28th September 2015 the said child was committed to the Petitioner Institution under section 33(4) of Juvenile Justice Act 2000 amended from time to time for a period of three months. The said Child Welfare Committee, Thane by an order dated 28th December 2015 and 5th July 2016 extended the Commitment period for further period of 1 ½ year.

2 The Child Welfare Committee, Thane has issued an order dated 29th July 2016 stating that News paper publication were done in daily Maharashtra Times and Dainik Sakal and also on Doordarshan Kendra, Mumbai on 26th November 2015 for seeking information of said child and trace out the natural parents or any other relative of the said child. But no one has approached for claiming the said child. The Final Report of Senior Police Inspector, Bazarpeth Police Station, Kalyan, dated 27th February 2016 is also annexed. In the said Report it is stated that the natural parents or any other relatives of the said child are not traced. It is also stated in the said report that since 25th September, 2015 till date no one has approached the Petitioner Institution, Child Welfare Committee Thane, Bazarpeth Police Station, Kalyan, or Observation Home/Children's Home, Bhiwandi for claiming the said child. In these circumstances the Child Welfare Committee has declared the said Minor known as SHIVA as a Destitute Child and Free for Adoption.

3 The Central Adoption Recourse Authority (CARA), New Delhi has issued No Objection Certificate dated 3rd January 2017 in conformity with the Guidelines Governing the Adoption of Children, 2015.

4 I have considered the petition, annexures thereto and the Report dated 10th February, 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification. The Undertaking dated 16th October 2016 from the 2nd proposed Adopter's brother and sister-in-law from Mumbai to look after the proposed minor in case of any unforeseen mishap to the proposed adopter in future is also on record. The Consent Willingness and Undertaking by the Proposed Adopters is on record.

5 The Proposed Adopters are Indian Nationals residing at Bur Dubai, U.A.E, aged about 39 and 41 years, respectively. They have been married for the past 9 years having one biological daughter “Nandini” aged about 8 years. The Consent Letter of said biological daughter is on record. The Health Reports of the Proposed Adopters dated 1st October 2016 states that they are in good health and not suffering from any infectious disease like HIV and Syphilis.

6 The proposed Adoptive father is working as Shift Engineer with Dubai Airport, IT Department since 29th December 2008 and his total monthly gross salary is 20,555 Dhs. The proposed Adoptive mother is Housewife. The Home Study Report conducted by the authorities of Omana Menon, UAE dated 28th August 2014 is on record in which it is stated that the proposed adopters to be financially well and have reasonable assets and savings.

7 The Medical Reports of the minor child also indicate that the child has no abnormalities and the child has a normal mental development, behavior and skills etc and the same is countersigned by the proposed adoptive parents. 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.)