

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 14 OF 2017
WITH
JUDGES ORDER NO.47 OF 2017
IN
FOREIGN ADOPTION PETITION NO. 14 OF 2017

Male Minor : SIDDHARTH BHASKARAN

Mrs. Devi Bhaskar Thiruvambadi

.. Petitioner

And

1.Mr. Ratish Bhaskaran,
2.Mrs.Vrindra Narayan Nargund

.. Proposed Adopters.

Mr Nevil Zaveri Advocate for the Petitioners.

Mr.O. Hareendran, Scrutiny Officer of ICSW present.

Mr.Ratish Bhaskaran-applicant no.1 present.

Mrs.Devi Bhaskar Thiruvambadi-petitioner present.

CORAM : K.R.SHRIRAM, J.
(IN CHAMBERS)
DATE : 29th MARCH , 2017

P.C.

1. This is an unusual Foreign Adoption Petition. The petition is for adoption of a Male Minor, Siddharth who was born on 7th October, 2003, by his father's brother Mr.Ratish Bhaskaran and his wife Vrinda Narayan Nargund, both US Nationals, residing at 3570 River Trace Drive, Alpharetta, Georgia 3002,

U.S.A.. The said male minor is the grandson of the Petitioner, who is residing at Kharghar, Navi Mumbai. The Biological parents of the said minor Mr. Vinod Bhaskaran and Mrs. Roja Bhaskaran expired on 4.1.2006 and 17.11.2014, respectively. After the demise of the mother, the minor-Siddharth is in the care and custody of the petitioner. The First proposed Adopter Mr. Ratish Bhaskaran and the proposed minor's biological father Mr. Vinod Bhaskaran were brothers.

2 The petitioner has filed a notarized affidavit dated 9.11.2016 according her No Objection to the adoption of the minor by her younger son Mr. Ratish Bhaskaran. The petitioner, as stated earlier, is the paternal grandmother of the minor who is now aged about 13 years. The petitioner and the proposed adopter both, state that maternal grand parents of the minor have expired. The statement is accepted. It is also stated in the affidavit of the petitioner that the proposed adopters being her son and daughter-in-law, he is giving custody of the minor Siddharth to the proposed adopters.

3 The Central Adoption Resource Authority (CARA) has also issued No Objection Certificate dated 31.10.2016 in conformity with the guidelines of Family Adoption of Indians Staying Abroad. The certificate is also forming part of the petition.

4 So far as proposed adopter father and mother are concerned, both are American Nationals of Indian Origin, aged about 41 & 43 years, respectively. The proposed adopters got married to each other on 27.5.2005 and have been married for 12 years. They have 2 biological children, both the boys, Som aged 5 & ½ years and Salil aged about 3 & ½ years. Copies of the birth certificates of these 2 children are also on record. The passport copies and copy of OCI card of the proposed adopters are also on record.

5. I have considered the petition, annexures thereto and the Report dated 18th March, 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification. The Undertaking and Affidavit of the proposed adopters are on record. In the said Report it is stated that Birth Certificate of the proposed minor Siddarth and Death Certificate of his biological parents Mr. Vinod Bhaskaran & Mrs. Roja Bhaskaran as well as Consent of the proposed Minor & Child Care arrangement needs to be submitted. It is further stated in the said Report that the last page of Home Study Report, The Provisional Approval Notice from the Department of Homeland Security and “Article 5” Letter from Embassy of the U.S.A as well as the Guardianship Letter from the 2nd proposed adopter's sister and brother-in-law, Consent & Undertaking by the proposed Adopters, Undertaking by the Authorized Foreign Adoption Agency European Adoption Consultants, Inc. USA needs to be submitted.

The Advocate for the Petitioner has filed a compilation dated 29.3.2017. The Compilation filed by the Advocate for the Petitioner is taken on record and marked 'X-1' for identification, containing copy of the birth certificate of the minor Siddharth, copy of the death certificate of biological parents, consent letter dated 20.2.2016 in original from the minor, the original of the child care arrangement plan, Home study report, provisional approval notice (USCIS) from the department of Homeland Security, Article- 5 from Embassy of the United States of America, Guardianship letter, the consent and undertaking by proposed adopters, the undertaking by the authorized foreign adoption agency-European Adoption Consultants, Inc. and the power of attorney dated 23.1.2017 from the proposed adopter no.2 to proposed adopter no.1 duly notarized.

6. The Medical Reports of the proposed Adopters and their sons are on record. The Reports state they are physically and Mentally fit. Their HIV and HbsAg Test Reports are Non-Reactive.

7. The proposed Adoptive father is working as a Director of Informatics Development with MiMedx Group Inc. since 27th July 2015, and his current annual salary is US\$ 143,729. The Second proposed Adopter is working as a Veterinarian with The Village Vets, since 7th January, 2015 and her annual Salary is US\$ 65,000. The Income Tax Returns for the Year 2013,

2014 and 2015 of the proposed adopters are also on record.

8. The Home Study Report dated 11th January, 2016 submitted by the authorities of "Illien Adoption International, Inc. USA, is on record.

9. The Medical Report dated 25th February, 2017 issued by Dr.Tanu Singhal, Kokilaben Dhirubhai Ambani Hospital & Medical Research Institute of Minor Siddharth is on record. It is stated Siddharth is HIV-1 positive, he is on treatment, his CDN Count and HIV-1 viral load is in the access range and he is fit to travel to USA. His other Medical Reports are also on record.

10. The adoptive parents through the adopter father Mr.Ratish Bhaskaran states that he has gone through all the records and he is fully aware about the child and the status and he is willingly and knowingly adopted the child and he will take good care of the child.

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

(K.R. SHRIRAM, J.)

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