

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION FOREIGN
ADOPTION PETITION NO.12 of 2017.**

**WITH
JUDGES ORDER NO.36 OF 2017**

**IN
FOREIGN ADOPTION PETITION NO.12 OF 2017**

MSWC, Asha Sadan Petitioner

And

Mr.Roberto Merlo

Mrs.Antonella Quer Proposed Petitioners

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Ms.Lalita Raj Advocate for the Petitioner.

O.Hareendran, Scrutiny Officer of ICSW present.

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CORAM : K.R.SHRIRAM,J

(IN CHAMBER)

DATE : 22nd MARCH,2017

1. The petition proposes adoption of a female minor Neha born on 30th September 2010 by Italian Nationals. The minor child was taken charge by V.P.Road Police Station Mumbai on 23rd September 2015. The mother of the child was one Nilam

who was aged about 30 years. Neelam was brought to J.J Hospital, alongwith one Kajol and one Mr.Salman for treatment for burns from fire. Both Salman and Neelam were declared dead on 22/09/2015 and 23/09/2015, respectively. From the Police Report dated 23/09/2015 it appears that Salman and Neelam were living together as husband and wife. The child Neha having lost both her parents was rendered an orphan and was admitted to Asha Sadan by V.P road, Police Station on same date, i.e.,on 23/09/2015.

2. The said minor Neha was produced before the Child Welfare Committee (C.W.C) Mumbai on 28th March, 2015. The custody of the said female child was given to the Petitioner Institution by an order dated 28th September 2015, passed by the Child Welfare Committee, Mumbai. The said Minor was thereafter committed under section 39 of the Juvenile Justice Act 2000 for the period of one year and reviewed after one year by an order dated 1st April 2016 passed by the Child Welfare Committee.

3. The Child Welfare Committee, Mumbai has issued an order dated 1st April 2016 stating that" Enquiry Report submitted by Social Worker and News paper photo publication of said female minor child were done in Samna Marathi daily newspaper on 14th October, 2015 and in Marathi Daily Sakal on 6th October, 2015. The photographs of the child was also shown in Doordarshan (Marathi) on 4th November 2015.

4. The evidence of Police recorded on 12th October, 2015, is on record. The Police submitted their Final Report and No objection Certificate as well as Death Certificate of child's biological mother Nilam Singh on 25th February, 2016. Declaration dated 5th March,2016 by District Child Protection Unit (DCPU) is on record. The Order in respect of Child is free for adoption is also on record. The Consent of the proposed minor is on record.

5. The Central Adoption Resource Authority (CARA), New Delhi, has given No Objection Certificate dated 16th February, 2017 as per Adoption Regulations, 2017. The No objection Certificate issued by CARA is on record.

6. The proposed adopters are Italian Nationals, both residing at Pederobba, Italy. They have been married for the past 16 years with no biological or adopted child. The husband is aged about 48 years and the wife is aged about 46 years. Letter of Acceptance by the proposed adopters is on record.

7. I have considered the petition, annexures thereto and the Report dated 25th February, 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification.

8. Advocate for the Petitioner tenders compilation of four documents which is taken on record and marked as X-1 for identification.

9. The medical Reports dated 14th December 2016 of the proposed Adopters is on record. In the said Report it is stated that they are physically and mentally fit for adoption. The HIV and HbsAg Reports of the proposed Adopters are Negative.

10. The Proposed Adoptive Father is a Freelance Architect since 2003 and his annual income is Euro, 29,764. His wife is working as a Clerk with the Company ABACO Spa since 5th November, 2007 and her annual income is Euro 31,830.74. The Income Tax Returns of the Proposed Adopters are on record.

11. Declaration of personal conditions, Bank References and property Certificates of the proposed Adopters are on record. The Child Care Arrangement Plan by the Prospective Adoptive mother is on record. The Child Security Letter from the proposed adopter's relative (first proposed Adopter's sister and brother-in-law) is on record. In the said letter it is stated

that they will take care of the child in case of any unforeseen mishap to the proposed adopters.

12. The Home Study Report dated 15th December, 2016 by "Authorities of International Adoption", Italy is on record. The suitability Decree from the Juvenile Court of Venice is on record. The Adoption Guarantee Letter on behalf of the Government of Italy issued by the Commission for Inter Country Adoption is on record.

13. The Medical Examination Report of the minor dated 26th April 2016. The said Medical report is countersigned by the proposed Adopters. The Psychological Test Report dated 10th December, 2015 and Speech Therapist's Report dated 18th April, 2016 of the said minor are on record. The H.I.V Report dated 4th April, 2016 of the said Minor is on record. In the said Report it is stated that H.I.V of said minor is Non reactive. The Declaration of consent and willingness and undertakings by the prospective adoptive parents are on record.

14. Therefore, I do not find any impediment in granting the relief sought in this Petition.

15. In view of this, the Petition is allowed and the Judges Order is separately signed.

(K. R. SHRIRAM, J)