

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

INDIAN GUARDIANSHIP PETITION NO.12 OF 2017
WITH
JUDGES ORDER NO. 59 OF 2017
IN
INDIAN GUARDIANSHIP PETITION NO. 12 OF 2017

Female Minor : INSIYAH

Mr. Yusuf Siraj Nashanwala		
Mrs. Sherebanu Yusuf Nishanwala	...	Petitioners.
	v/s	
Mr. Husain Siraj Nisanwala		
Mrs. Fatema Husain Nisanwala	..	Respondents.

Mr. Rakesh Kapoor Advocate for the Petitioner.

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

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

P.C.

1 This Petition is filed by the Petitioners for appointing them as legal Guardian of female minor INSIYAH. The proposed female minor INSIYAH was born on 14th August, 2016 at Mumbai to a married couple, i.e., Respondents Mr. Husain Siraj Nisanwala and Mrs. Fatema Husain Nisanwala. The Respondents, i.e., Mr. Husain Siraj Nisanwala and Mrs. Fatema Husain Nisanwala are the biological parents of the said Female Minor INSIYAH. The proposed minor's biological father Mr. Husain Siraj Nisanwala is the

:2:

younger brother of the first petitioner Mr. Yusuf Sirajh Nishanwala. The biological parents of the said female minor have already handed over the custody of the said female minor INSIYAH to the Petitioners. The Birth Certificate of the minor is on record.

2. The Consent of the biological parents of the said female minor INSIYAH is on record. In the said Consent it is stated that said female Minor INSIYAH was born on 14th August 2016 to them at Mumbai. The said Female Minor is their second child. They already have one biological daughter aged about 5 years . It is further stated that out of their own free will and consent they had voluntarily handed over the care and custody of their second daughter, i.e., the female minor INSIYAH to the petitioners soon after her birth. The biological parents of the minor are also present in chamber and both have confirmed that they have out of their own free will and consent, voluntarily handed over the care and custody of minor INSIYAH to the petitioners.

3. I have considered the petition, annexures thereto and the Report dated 20th March 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification.

:3:

4. The Petitioners are Indian nationals presently residing near Crawford Market, Mumbai aged about 43 and 35 years, respectively. They have been married for the past 11 years with no biological children due to medical reason. The Health Report dated 20th January, 2017 of the Petitioners is on record. In the said report it is stated that they are physically and mentally fit to adopt the child. The First Petitioner is working as a Finance Manager with Dubai Sports City, Dubai, U.A.E., since 24th July, 2016 and his monthly salary including all allowances is AED 30,000. The Proof of Residence and Bank Statements of the petitioner no.1 is on record. The Second petitioner is a Housewife and lives in Mumbai as the child is still in her infancy. Once the child grows up the adoptive father says he will take the child and his wife to the place wherever he will be then working.

5. The Home Study Report dated 23rd January, 2017 is on record. In the said Report it is stated the proposed petitioners are young, happily married couple, well employed and well established. They are well educated and cultured. They hail from good moral family with sound social values. The first Petitioner is earning very handsome income and he has two flats in Mumbai. The parents of both the Couple have supported the decision of the

petitioners.

6. An Undertaking dated 19th January, 2017 filed by the Brother & Sister-in-law of the first Petitioner is on record. It is stated in the said Undertaking that in the event of any unforeseen mishap to the petitioners they will look after, maintain and educate the said minor to the best of their ability.

7. Health Report dated 21st January, 2017 of the said proposed female minor INSIYAH is on record. In the said report it is stated that she is physically fit and does not have any chronic illness. She is also completely immunized as per her age. The Consent and Undertaking of the petitioners is on record.

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

(K.R. SHRIRAM, J.)