

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 15 OF 2017
WITH
JUDGES ORDER NO.58 OF 2017
IN
FOREIGN ADOPTION PETITION NO. 15 OF 2017

Male Minor : SHRJEET

Bal Asha Trust, Mumbai

).. Petitioner

And

1.Mr. Kevin Gollcher,
2.Mrs.ErikaGollcher

).. Proposed Petitioners

Mr Rakesh Kapoor Advocate for the Petitioners.

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

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

P.C.

1. The petition proposes adoption of a Male Minor Shrijeet, who was born on 15th June, 2015, by Maltese Nationals, residing at 28, Tariq Il-kbira, Naxxar, Malta. The said male minor was born to a married couple, and on 14th September, 2015 the biological parents relinquished their son in to the care and custody of the Petitioner Institution Bal Asha Trust, Mumbai before the Child Welfare committee, Mumbai city II under section 33 of Juvenile Justice Act, 2000. As per the Order dated 14th September, 2015 the safe

custody of the said minor male child was given to the Bal Asha Trust.

2. The Child Welfare Committee, Mumbai by an order dated 8th December, 2015 declared that the said Minor Male child is legally free for adoption. In the said Order it is stated that on 14th September, 2015 an infant was relinquished by his biological parents into the care and custody of the Bal Asha Trust by Child Welfare Committee, Mumbai City II, since the biological parents of the said minor were not in a position to take care of Male Minor Shrijeet. The Biological parents of the said male minor child had given up their rights in the best interest on the said male child with a request to rehabilitate the said minor by way of adoption. The Biological parents of the minor were given 60 days period to reconsider their decision of relinquishing the said Male Minor Shrijeet. The Photographs of the said Male Minor Shrijeet was published on 19th September, 2015 & 21st October, 2015 in three Marathi Daily News Papers, Saamana, Maharashtra Times, and Sakal, Mumbai. Till date the Biological parents of said Minor have not come forward to re-claim their above mentioned child. In the circumstances mentioned above, the said Minor Male Child Shrijeet aged about 5 months 19 days was declared legally free for adoption under section 41(5)(a) of the Juvenile Justice Act, 2000 and amended Act 2006, and on 14th December 2015, the said Male Minor Shrijeet was committed to the care of Bal Asha Trust, the petitioner.

3. The Central Adoption Resource Authority(CARA), New Delhi has given No Objection Certificate dated 17th February, 2017 for this adoption as per Adoption Regulations 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-counter Adoption 1993.

4. I have considered the petition, annexures thereto and the Report dated 19th 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.

5. The Proposed Adopting father and mother are both Maltese Nationals residing at Naxxar, Malta and aged about 47 and 39 years, respectively. They have been married for the past 4 years with no biological children. The Health reports of the proposed adopters are on record. In the said Report it is stated that they are physically and mentally good. HIV Ag/Ab reports of the proposed adopters are Non-Reactive.

6. The proposed Adoptive father is working as General Manager of the Company “ United Department Stores Limited”, Malta since 1st September, 2008. His annual Salary is Euro 69,162. The Proposed Adoptive Mother is working as an Associate Director with EMD Advisory Services

Limited since 1st January,2008 , and her annual basic salary is Euro 48,989. The Income Tax Assessment Certificates for the year 2015, as well as Bank References, Financial Statement and Proof of residence of the proposed adopters are on record.

7. The Home Study Report dated 14th September 2016 submitted by the Social Worker of the Agennzija Tama, Malta is on record. The Approval from the Ministry for the Family and Social Solidarity is also on record. There is nothing adverse in these reports against the proposed adopters.

8 The Medical Report dated 21st October, 2016 of the said Male Minor Shrijeet is on record. It is stated in the said report that Mental and Physical condition of the said minor is normal. The said Medical Report as well as other investigation reports of the said minor are signed by the proposed adopters. H.I.V. Report dated 29th December, 2015 of the said Male Minor Shrijjet is Non-Reactive.

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

(K.R. SHRIRAM, J.)

