

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS GENERAL AND INHERENT JURISDICTION  
FOREIGN ADOPTION PETITION NO.17 OF 2017  
WITH  
JUDGES ORDER NO.71 OF 2017  
IN  
FOREIGN ADOPTION PETITION NO.17 OF 2017**

Female Minor : ANURADHA

Bal Asha Trust, Mumbai

.....Petitioner

And

1.Mr. Alok Nikunj Vimawala

2.Mrs. Amy Jean St. Aubin Vimawala .....Proposed Adopters.

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Mr. Rakesh Kapoor for petitioner.

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

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

**DATE : 5<sup>th</sup> APRIL, 2017**

**P.C.:**

1           The petition proposes adoption of a female Minor ANURADHA, born on 14<sup>th</sup> August, 2014 by a married couple who are American Nationals. The said Minor Anuradha was found abandoned at J.J. Hospital, Mumbai, on 20<sup>th</sup> January, 2015 and the custody of the said Minor Anuradha was taken by the J.J. Marg Police Station, Mumbai. As per the Order dated 20<sup>th</sup> January, 2015 passed by the Child Welfare Committee, Umerkhadi, Mumbai, Minor Anuradha was admitted to the petitioner's Institution Bal Asha Trust, under section 39 of the Juvenile Justice Act, 2000.

2           The Child Welfare Committee has passed an Order on 21<sup>st</sup> May, 2015 declaring that Minor Anuradha was legally free for adoption. In the said Order it is stated that news alongwith photographs of the said Minor Anuradha was published in leading Marathi News papers Loksatta, Mumbai edition on 14<sup>th</sup> February, 2015 and Samana, Mumbai edition on 11<sup>th</sup> March, 2015. As per Medical Report, the date of birth of the said Minor Anuradha is 14<sup>th</sup> August, 2015. Evidence recorded by the concerned officer of Sir J.J. Marg Police Station, Mumbai is on record. Final Report dated 8<sup>th</sup> May, 2015 of the Police making attempts to search the biological parents/guardians of Minor Anuradha is on record. Report dated 12<sup>th</sup> May, 2015 submitted by the Social Worker is also on record. After Minor Anuradha was found on 20<sup>th</sup> January, 2015 no one has come forward to claim her. In these facts and circumstances, on 12<sup>th</sup> May, 2015 Minor Anuradha was declared legally free for adoption under section 41(5) (a) of the Juvenile Justice Act, 2000 and committed to the petitioner's institution Bal Asha Trust for her care and further rehabilitation under section 39(3) (f) of Juvenile Justice Act, 2000. The Free for adoption and Commitment Orders of the said Minor Anuradha are on record. Undertaking and Affidavit executed and signed by the petitioner are also on record.

3           The Central Adoption Resource Authority, New Delhi (CARA), has given No Objection Certificate dated 17<sup>th</sup> February, 2017 to this

adoption as per Adoption Regulations 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption 1993. The said No Objection Certificate issued by CARA is on record.

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

5 The proposed Adopting father and mother are American Nationals [Father is of Indian Origin], residing at 11707 Louis Lane, Whit More Lake, Michigan, United States of America and aged about 34 and 37 years, respectively. They have been married for the past 7½ years with no biological children. However, they have adopted one male child namely “Soham @ Jayce”, aged about 4½ years from Pune, India, vide Order dated 26<sup>th</sup> August, 2015 passed by the Hon'ble District Judge, District Court, Pune in Miscellaneous Civil Application No.390 of 2015. The Adoption Order, Birth Certificate, Passport Copy and Progress Report of said adopted son “Soham @ “Jayce” is on record. The Motivation letter from the prospective adoptive parents is on record. The Medical Report dated 13<sup>th</sup> October, 2016 of the proposed Adopters is on record. It is stated in the said Report that they are physically and mentally well. The H.I.V. Report of the proposed

adopters are Non-Reactive.

6           The proposed Adoptive father is working as a IT Business Planning Manager with Shares Services Center, University of Michigan, U.S.A. since 19<sup>th</sup> January, 2007 and his annual salary is stated to be US\$ 124,260. The proposed Adoptive mother is working as a Teacher at Dexter Community Schools, Michigan for the last 10 years and her annual salary is stated to be US\$ 71,206. The Proposed Adopters Individual Income Returns for the last three year of 2013, 2014 and 2015, Income and Asset Declaration, Bank References and Financial Declaration are on record.

7           The Letter explaining Child plan from the proposed adopters and the Home Study Report dated 20<sup>th</sup> December, 2014 submitted by the authorities of “Hands Across the Water, Inc., Michigan, U.S.A., are on record. The Provisional Approval Notice dated 7<sup>th</sup> September, 2016 from the Department of Citizenship and Immigration Services, U.S.A. and “Article 5” letter dated 16<sup>th</sup> December, 2016 from the Embassy of United States of America (U.S.A.) are also on record.

8           An Undertaking filed by the Relative (prospective Adopters first cousin, resident of Michigan, U.S.A.) is on record. In the said Undertaking it is stated that they will take care of the child in case of any

unforeseen mishaps to the proposed adopters in future.

9           The Medical Report dated 9<sup>th</sup> March, 2015 of Minor Anuradha issued by Jaslok Hospital and Research Center, Mumbai is on record. It is stated that Minor Anuradha is physically and mentally well. H.I.V. Report dated 9<sup>th</sup> March, 2015 of Minor Anuradha is Non-Reactive.

          The said Medical Reports of Minor Anuradha are countersigned by the proposed Adopters.

10          The Letter of Approval, Declaration of Willingness and Undertaking of the proposed adopters are on record. An undertaking dated 9<sup>th</sup> November, 2016 given by the Sponsoring Agency America World Adoption, U.S.A. is on record.

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

**(K.R. SHRIRAM, J.)**