

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

**FOREIGN ADOPTION PETITION NO.25 OF 2017
WITH
JUDGES ORDER NO.96 OF 2017
IN
FOREIGN ADOPTION PETITION NO.25 OF 2017**

Male Minors: OMKAR

Children Of The World India Trust	Petitioner
And	
Ms. Kimbrel Sue Johnson	Proposed Adopter

Mr. Rakesh Kapoor , Advocate for the Petitioner
Mr. O. Hareendran, Scrutiny Officer of ICSW present.

CORAM : K.R.SHRIRAM, J.
(IN CHAMBER)
DATE : 3rd May 2017

P.C.:

1 The petition proposes adoption of a male Minor OMKAR, born on 28th August, 2014 by an unmarried single American National. On 29th August, 2014 Minor Omkar was found abandoned by one Mr. & Mrs.Vivek Patil behind their Medical Shop, i.e., Akshay Medical Store at Shivaji Nagar, Thane. They informed to Vartak Nagar Police Station, Thane. On the same day Vartak Nagar Police Station took custody of Minor Omkar and admitted the Minor to Special New Born Care Unit Of District Hospital at Thane. On 5th September, 2014 Minor Omkar was produced before the

Child Welfare Committee, Thane. By an Order dated 5th September, 2014 under Section 33(3) of Juvenile Justice Act, 2000 the custody of Minor Omkar was given to the Petitioner Institution, Vishwabalak Kendra, Nerul, Navi Mumbai.

2 The Child Welfare Committee has passed an Order on 10th March, 2017. In the said Order it is stated that in exercise of the powers vested in the Child Welfare Committee constituted under Sub-section(4) of Section 41 of the Juvenile Justice Act 2015 Minor Omkar was placed in the care of Children Of the World (India) Trust, Nerul, Navi Mumbai. By an order dated 5th September, 2014 passed by the Child Welfare Committee and on the basis of (a) Social Worker's Report, (b) 'A' Final Report No 222/15, dated 3rd June 2015,(c) No Objection Letter No. 1806/2016 issued by Vartak Nagar Police Station,Thane, (d) No Objection Letter No. 476 dated 27th February, 2017 issued by District Women & Child Development, Thane and photographs of Minor Omkar published in Daily Marathi News Papers Sakal on 24th November, 2014 and Loksatta on 31st December, 2014 respectively, Minor Omkar was declared legally free for adoption. An Undertaking/Affidavit executed by the authorized representative of Petitioner Institution is on record.

3 The Central Adoption Resource Authority, New Delhi (CARA) has given No Objection Certificate dated 25th March, 2017 to this adoption as per Adoption Regulations 2017. The said No Objection Certificate issued by CARA is on record.

4 I have considered the petition, annexures thereto and the Report dated 26th April, 2017 submitted by the the Scrutiny Officer of Indian Council of Social Welfare (ICSW). The report is taken on record and marked 'X' for identification.

5 The proposed Adopter is a single unmarried woman of American Nationality, residing at Minnesota, U.S.A., aged about 41 years. She has no children, biological or adopted. The Medical Certificate dated 14th November, 2016 of the Proposed adopter is on record. In the said Report it is stated that she is physically and mentally fit. Her HIV & HbsAg Test Report and Child Care Arrangement Plan Undertaking needs to be submitted. The Counsel for the Petitioner has tendered a compilation containing Child Care Plan, dated 12.04.2017 submitted by the proposed adopter and HIV report of the proposed adopter. The same is taken on record and marked as X-1 for identification.

6 The proposed Adopter is working as a full time Pastor/Head Of Staff at Presbyterian Church since 1st July, 2013 and her current annual salary is US\$ 77,386.36. The U.S. Individual Income Tax Return for the years 2013 2014 and 2015 is on record.

7. Home Study Report dated 12th December, 2016 of the proposed adopter submitted by the authorities of Children's Home Society Of Minnesota,U.S.A. is on record. The Approval Notice dated 20th January 2017 issued by the Department of Homeland Security as well as the "Article 5" letter issued by the Embassy Of the United States Of America are on record. An Undertaking dated 13th February, 2017 given by the proposed Adopter's first cousin and her husband is on record. In the said Undertaking it is stated that they will take care of the minor Omkar in case of any unforeseen mishap to the proposed adopter. The Recommendation letter from the close friends is also on record.

8 The Medical Report dated 26th January, 2017 of Minor Omkar is on record. The H.I.V. Report dated 30th March, 2017 of Minor Omkar is Negative . The Medical Reports of Minor Omkar are countersigned by the proposed adopter.

9 An Undertaking dated 16th February, 2017 given by the Foreign Authorized Adoption Agency “ Children Home Society Minnesota, U.S.A is on record.

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

(K.R. SHRIRAM, J.)