

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

IN ITS GENERAL AND INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO. 27 OF 2017

WITH

JUDGES ORDER NO. 101 OF 2017

IN

FOREIGN ADOPTION PETITION NO. 27 OF 2017

Female Minor: ANAMIKA

Bal Anand

....Petitioner

And

1 Marc Stirkart

2. Isabelle Stirkart

.....Proposed Adopters

Mr. Rakesh Kapoor , Advocate for the Petitioner.

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

CORAM : K.R.SHRIRAM, J.

(IN CHAMBERS)

DATE : 3RD MARCH, 2017

P.C.

1 The petition proposes adoption of a female Minor ANAMIKA, born on 8th September, 2014 by a married couple who are German Nationals. On 4th January, 2016 Minor Anamika was found abandoned at Kurla Railway Platform No.9 by the Kurla Railway Police Station. On the same day Minor Anamika was produced before the Child Welfare Committee, Mumbai Suburban District by the Tilak Nagar Police Station and by an order dated

4th January, 2016 passed by the Child Welfare Committee, Mumbai Suburban District under section 33(i)(a) of Juvenile Justice Act, 2000 the custody of Minor Anamika was given to the Petitioner Institution, Bal Anand.

2 The Child Welfare Committee has passed a Destitute Order on 1st January, 2016. In the said Order it is stated that on 12th February, 2016 evidence was recorded by the concerned Investigation Officer of Kurla Railway Police Station before the Child Welfare Committee. The News with photographs of Minor Anamika was published in Daily Marathi News Papers Pudhari on 17th March, 2016 and Sakal on 20th April, 2016 respectively. On 10th June, 2016 final report of Kurla Railway Police Station was submitted to the Child Welfare committee. As per Report dated 1st July, 2016 submitted by Petitioner-Bal Anand, no one has come forward to claim Minor Anamika till date. Based on the above-mentioned reports, the Child Welfare Committee declared the said Minor Anamika is legally free adoption for under section 41(5)(a) of Juvenile Justice Act, 2000 and under section (39)(3)(f) Of Juvenile Justice Act, 2000 the custody of Minor Anamika was given to Petitioner-Bal Anand for further rehabilitation. An Undertaking and Affidavit executed and signed by Petitioner are on record.

3 The Central Adoption Resource Authority, New Delhi (CARA) has issued No Objection Certificate dated 16th 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 28th April, 2017 submitted by the the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification.

5 The First proposed adopter is German National and the second proposed adopter is an Austrian National, both residing at Germany, aged about 49 and 44 years, respectively. They have been married for the past 10 years with no biological or adopted children. Motivation Letter duly signed and executed by the proposed adopters is on record. The Medical Report dated 12th December, 2016 of the proposed adopters is on record. In the said report it is stated that they are mentally and physically well. Their HIV Reports are Negative.

6 The first proposed adopter is self employed (Owner Of Engineering Office namely “ Dr. Strotmkann Gmbh”), since 2006 and his total income

for the year 2015 was Euro 78,992/-. The second proposed adopter is also self employed (Director & Owner of TNZHOF Ballet school) since 1993 and her total income for the year 2015 was Euro 2210/-. The proposed Adopters latest Income Tax Assessment Certificate, the Childcare arrangement plan declaration, Consent & Declaration of Willingness of the proposed adopters and the Undertakings by the Sponsoring Agency needs to be submitted. The Counsel for the petitioner has tenders a compilation of (i) undertaking by Agency, viz., LWL-Landesjugendamt Westfalen, Zentrale Adoptionsstelle dated 28.11.2016; (ii) ITR of 2016 & 2014 of both the adoptive parents; (iii) Child Care Plan dated 10.04.2017 signed by both the adoptive parents and; (iv) Consent and Willingness signed by both the adoptive parents. The same is taken on record and marked **X-1** for identification.

7 Home Study Report dated 28th October, 2016 of the proposed adopter submitted by the authorities of LWL Landesjugendamt Westfalen, Germany is on record. The Approval Letter issued by Central Adoption Office off the LWL- Regional Youth Welfare Office Westphalia, Germany is on record.

9 The Medical Report dated 24th August, 2016 of Minor Anamika is on record. The H.I.V. Report dated 5th April, 2017 of Minor Anamika is

Negative. The Medical Reports of Minor Anamika are countersigned by the proposed adopters.

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

(K.R. SHRIRAM, J.)