

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

**FOREIGN ADOPTION PETITION NO.26 OF 2017
WITH
JUDGES ORDER NO.97 OF 2017
IN
FOREIGN ADOPTION PETITION NO.26 OF 2017**

Female Minor: PRIYA

Sandhi Niketan Shikshan Sanstha, Udgir, LaturPetitioner
And
1 Miguel Angel Orcal FandosProposed Adopters.
2. Ana Mar Trigo Muniesa

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 female Minor PRIYA, born on 19th January, 2009 by a married couple who are Spanish Nationals. On 10th February, 2012 the biological mother relinquished Minor Priya before the Child Welfare Committee, Latur. As per Order dated 11th February, 2012 passed under Rule 6(12), (32), 8(12) of the Juvenile Justice Act, 2000 by the Child Welfare Committee, Latur, the safe custody of Minor Priya was given to the Petitioner.

2 The Child Welfare Committee has passed a Destitute Order on 7th June 2013. In the said Order it is stated that Minor Priya was surrendered by her mother on 10th February, 2012. On completion of 60 days mother of Minor Priya has confirmed her intention to surrender Minor Priya permanently. Thereafter, neither mother of Minor Priya or any one claiming to be her biological parent or other relative has come forward raising any objection for the said surrender. As no one is ready to take responsibility of Minor Priya, there is no other option except for proceeding for rehabilitation of Minor Priya. In view of the above, it was necessary in the interest and welfare of the child to declare Minor Priya to be a destitute child. Considering all these facts, the Child Welfare Committee, by an order dated 7th June 2013, declared Minor Priya as a destitute child and free for adoption.

3 The Central Adoption Resource Authority, New Delhi (CARA) has given No Objection Certificate dated 27th February, 2017 to this adoption as per Adoption Regulations 2017 and Article 17(c) of the Hague Convention on 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 28th April, 2017 submitted by the the Scrutiny Officer of Indian Council of Social Welfare (ICSW). This report is taken on record and marked 'X' for identification.

5 The proposed Adopters are Spanish Nationals, residing at Zaragoza, Spain. The proposed father is aged about 44 and mother is 46 years. They have been married for the past 19 years with one biological son Alan aged about 13 years. The Passport copy and Consent of biological son is on record. The Medical Report dated 29th April, 2016 of the proposed Adoptive father is on record. In the said Medical Report it is stated that he is physically and mentally fit. His HIV tests are negative. The Medical Report dated 21st April, 2016 of the proposed Adoptive Mother is on record. In the said report it is stated that she is physically and mentally fit.

6 The proposed Adoptive Father is working as Business Manager with the Company Orcal Maquinaria, S.A., Spain and his salary for the year 2015 was Euro 27,942.15. The proposed Adoptive Mother is a Housewife. The Income Tax Certificate for the year 2014 is on record. The Bank Certificate and property Certificate is on record.

7 Home Study Report dated 22nd January, 2016 of the proposed adopter submitted by the authorities of Department Of Health Social Welfare & Family, Government of Aragon, Spain is on record. The Psychological Report dated 22nd January, 2016 of the proposed adopters issued by the Psychologist Fransica Docon Alcaine is also on record. The Approval / Permission Letter issued by the concerned authorities is on record.

8 The Medical Report dated 2nd August, 2016 of Minor Priya is on record. The H.I.V. Report dated 11th March, 2017 of Minor Priya is Non-Reactive. The Medical Reports of Minor Priya are countersigned by the proposed adopters.

9 The H.I.V. Report of the proposed Adoptive Mother, Psychological Test Report of Minor Priya and latest Tax Certificate of the proposed adopters needs to be submitted. The Counsel for the Petitioner has also tendered I.Q. Report dated 28th April 2017 of the minor Priya issued by Shri Navnath S. Rupnar, Psychologist. The same is taken on record and marked as **X-1** for identification.

10 An Undertaking dated 11th October, 2016 given by the authorities of “Namaste, Spain” is on record.

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

(K.R. SHRIRAM, J.)