

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

FOREIGN ADOPTION PETITION NO. 30 OF 2017
WITH
JUDGE'S ORDER NO. 133 OF 2017
IN
FOREIGN ADOPTION PETITION NO. 30 OF 2017
WITH
JUDGE'S ORDER NO. 135 OF 2017
IN
FOREIGN ADOPTION PETITION NO. 30 OF 2017

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Bal Anand, Worldchildren Welfare
Trust India, Through Mrs. Vandana
Patil, Social Worker

...Petitioner.

Vs.

Mr. Daniele Mazzi, Italian National & Anr.

... Proposed
Adopters.

....

Mr. Sameer K. Sawant, for the Petitioner.
Mr. Hareendran, Scrutiny Officer, ICSW, present.
Mrs. Vandana Patil, Social Worker of WWTI, Bal Anand, present.

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CORAM : B.P. COLABAWALLA, J.
DATED : JULY 5, 2017

P.C. :

This is a Petition for adoption of two female minors (1) Anjuman Banoo, born on 19th February, 2006 and (2) Sanaa Parvin, born on 27th May, 2007. Both the female minors are siblings and the proposed adopters are Italian National residing

at Arezzo, Italy, aged about 46 and 47 years respectively. The said female minors were admitted in the Petitioner's institution Bal Anand, Chembur on 16th November, 2007 as per the orders of the Child Welfare Committee, Mumbai Suburban District dated 16th November, 2007 under Section 32 of the Juvenile Justice (Care and Protection of Children) Act, 2000. The representation of the Indian Council of Social Welfare (ICSW) is taken on record and marked as "X" for identification.

2 The admission orders are on record before me. The said Child Welfare Committee, Mumbai has issued an order dated 10th July, 2015 stating that the said minors family is from Mankhurd and their mother has left the family home and absconded due to mental illness. Their father was a construction worker. As there was no one at home to take care of the children, the biological father produced the said minors before the Child Welfare Committee and the said Committee thereafter admitted them to the Petitioner's institution for safe custody.

3 After their admission in the Petitioner's institution, the biological parents of the said minors had visited once i.e. 22nd

November, 2007. Thereafter, despite repeated home visits by a team of the Petitioner institution, the biological parents of the said minors were untraceable. The news papers publications were done in March and April, 2009 and even the T.V. telecasting was undertaken on 1st April, 2009 on DD Sahyadri Channel. The Petitioner's institution has prepared a report dated 12th June, 2015 which states that no one has come forward to claim the said minors till date. Based on the above mentioned report and other documents, the Child Welfare Committee, Mumbai Suburban District declared the said minors legally free for adoption under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. The free for adoption order and consent letters of the proposed minors are also on record.

4 The Central Adoption Resource Authority (CARA), New Delhi has also issued a No Objection Certificate dated 25th March, 2017. This certificate is as per Adoption Regulation 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption, 1993.

5 As mentioned earlier the proposed adopters are Italian Nationals residing at Arezzo, Italy and are aged about 46 and 47 years respectively. They have been married for the last three years with no biological or adopted children. The Passport copies of the proposed adopters are also on record. The health report of the proposed adopters dated 14th March, 2016 is also before me and clarifies that their HIV and Hepatitis case is negative.

6 The first proposed adopter is working as a worker with the Company Graffiti SRL, Italy since 1st April, 2009 and his gross annual income in the year 2015 is Euro 18,017.93. The second proposed adopter is working as a Teacher in the Primary School with Public School Piero Della Francesca and her annual gross income for the year 2015 is reflected as Euro 24,788.74. The Income Tax Return (ITR) of the year 2016 as well as the Bank reference, attestation and declaration of personal conditions and properties certificates are on record.

7 The Childcare Arrangement Plan declaration by the adoptive mother is also on record and states as follows:

“To take care of my children in the best way availing myself of all the rights and benefits which the law consents, among which the maternity leave granted by my work as a Teacher. At the end of such I do not have any type of problem because I will be helped by my husband and my family.”

8 The home study report dated 30th May, 2016 by the authorities of International Adoption, Italy is on record and indicates that the married couple presents a strong motivation to face an international adoption course and they appear as a solid harmonious couple, with a very good relationship with their families origin. This home study report further records that the married couple has all the necessary resources to welcome and sustain the two minors. The suitability decree from the Juvenile Court of Florence and Adoption Guarantee Letter on behalf of the Government of Italy is also on record.

9 The Medical Examination Report of the proposed minor Anjuman dated 29th June, 2016 states, “Mantoux Test Positive. Treated amoebic liver abscess in 2009. She is a cheerful girl. Her motor milestones are age appropriate and she shows average intellectual social functioning.” The Proposed Adopters have counter signed this report.

10 The Medical Examination Report of the proposed minor Sanaa dated 29th June, 2016 states, “Mantoux Test Positive. Giardia lamblia infestation treated, pyoderma, acute upper respiratory tract infections off & on treated appropriately. She is a cheerful girl and shows average intellectual social functioning.” This report has also been counter signed by the Proposed Adopters.

11 The Psycho-social Report (April-June 2016) and Psychological & Behavioral intervention at Bal Anand (monthly Report) of the minors are on record and it states that The said minors were previously proposed by an Indian family (Kerala) and they filed an Adoption application in the Hon'ble City Civil Court, Mumbai. However, the said application was withdrawn by the Applicant due to adjustment problems. The Certificate from Pediatric Neurodevelopmental Center (Learning Disability Clinic) of the minor Sanaa states Her KBl I! 85-90 Interpretation: Dull Normal intellectual functioning. Diagnosis: learning Disability with attention deficit hyperactivity disorder with poor English language proficiency. These reports have been counter signed by the Proposed Adopters, and which are

tendered before me today and marked as “X-1” for identification. The H.I.V. Report of both the minors dated 5th April, 2017 have also been tendered before me today and shows the case as negative. The said H.I.V. Report of both the minors are marked as “X-2” for identification. Both the children's namely, Anjuman Banoo and Sanaa Parvin are present.

12 The Letter of Acceptance, Declaration and willingness and undertaking by the Proposed Adopters is also on record. The undertaking dated 12th January, 2017 by the Sponsoring Agency namely International Adoption, Italy is also before me alongwith a copy of the General Power of Attorney duly signed by the Proposed Adopters in favour of the Petitioner's Institution.

13 The Indian Placement Agency recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid till 31st December, 2020.

14 Looking at all these documents that are before me, I think it would be in the interests of the child if they are adopted by the

proposed adopters. I, therefore, do not find any impediment in granting the reliefs sought in the Petition.

15 In view of this, the Petition is allowed in terms of prayer clauses (b) and (c) and the Judges Order for both the minors are separately signed.

(B. P. COLABAWALLA, J.)