

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO.29 OF 2017
WITH
JUDGE'S ORDER NO.129 OF 2017
IN
FOREIGN ADOPTION PETITION NO.29 OF 2017

Bal Asha Trust

... Petitioner

v/s

Mr Arvind Dhodi and

Mrs Sukhvir Kaur Dhodi

... Proposed Adopters

Mr Rakesh Kapoor i/b M/s Rakesh Kapoor and Co. for Petitioner.
Mr O. Hareendran, Scrutiny Officer, ICSW present.

CORAM : B.P. COLABAWALLA, J.

DATE : JUNE 28, 2017

P.C.:

1. This Petition proposes the adoption of female minor – Kanta alias Amyra, born on 28th February 2012, who was found abandoned on Platform No.6 of Dadar Railway Station and taken charge by Dadar Railway Police Station, Mumbai on 13th January 2016. Thereafter, the minor was admitted to Shraddhanand Mahilashram, Matunga, Mumbai. The said minor was presented

before the Child Welfare Committee, Mumbai City II on the same day, the minor was transferred to the Petitioner Institution for further rehabilitation under section 32 of the Juvenile Justice (Care and Protection of Children) Act 2000.

2. The Child Welfare Committee, Mumbai City II has issued a Legally Free For Adoption Order dated 8th August 2016 after following the due procedure. Accordingly, the minor Amyra is made legally free for adoption as on 1st August 2016 under section 38(1) and committed to under section 39(3) of Juvenile Justice (Care and Protection of Children) Act 2015 for her further rehabilitation. The Commitment Order, Free for Adoption Order and Consent of Proposed Minor Amyra, the undertaking / affidavit by Petitioner are on record.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued a No Objection Certificate dated 19th April 2017. The proposed Adopters are American Nationals of Indian origin (1st proposed adopter is an OCI card holder), residing at Virginia, U.S.A., both aged 50 years. They have been married for the past 13 years

and have no biological children. The passport copies of the proposed adopters are on record. The health report of the first proposed adopter dated 14th March 2015 states that 1st proposed adopter has Type 2 Diabetes for which he has been prescribed the standard diabetes medication with modified diet and exercise. The health report of the 2nd proposed adopter dated 8th April 2016 states that “she is maintaining a healthy lifestyle with no problems.” Their HIV and HbsAg Test Reports certify the case as negative.

4. The 1st proposed adopter is working as a General Manager with DavCo Restaurants since 6th March 1994 and his annual salary is US \$ 64,680.00. The 2nd proposed adopter is working as a Science Teacher and her annual salary is US \$ 74,300.00. Her employment period is till June 2018. The latest employment / salary certificate of both the proposed adopters are tendered before me today and marked as 'X1' and 'X2' respectively. The U.S. Income Tax Returns for the years 2012, 2013, 2014 and 2015 are also on record alongwith the Bank Reference and Declaration regarding financial status of the proposed adopters. The Childcare Arrangements Plan dated 24th June 2017 has also been tendered today and marked as Exh.'X3'. The home study

report and updated report was done by the authorities of Baker Adoption Foundation, U.S.A. on 27th May 2016 and 8th September 2016 and states that the proposed adopters are well prepared for the adoption of a child from India. In the judgment of this agency, the couple have shown that they are capable of providing for the emotional, physical, financial and educational needs of a child. The approval notice from U.S. citizenship and immigration Services dated 29th July 2015 and 31st October 2016 are also on record. The 'Article 5' letter dated 17th April 2017 from the Embassy of United States of America is also before me.

5. The physical examination report of the minor dated 11th May 2016 states that the minor was admitted to the Institution at the age of 4 years. She has not suffered from any ailment and is currently disease free. This report has been countersigned by the proposed adopters. The latest Psychological Testing Report dated 9th January 2017 is also on record and it states that her mental age is 5 years, chronological age is 4 years 10 months and her IQ is 103. Overall impression is that she is of average intellectual functioning and average social functioning. The HIV Report of the proposed

minor dated 20th April 2016 is also before me and certifies that the case is non-reactive. The declaration of willingness and undertakings of the proposed adopters are also on record alongwith the undertakings by the Sponsoring Agency Barker Adoption Foundation, U.S.A. The Special Power of Attorney duly signed by the proposed adopters in favour of the Petitioner Institution is on record. The Indian Placement Agency (Bal Asha Trust, Mumbai) recognition from the Women and Child Development, Maharashtra State to place children in adoption is valid for a period from 1st August 2014 to 31st July 2019.

6. Looking to all these documents, I find that the adoption of the minor Kanta alias Amyra would be in the interest of the child. In view of this, Foreign Adoption Petition is allowed in terms of prayer clauses (a) to (c). Judge's Order is separately signed.

(B.P. COLABAWALLA, J.)