

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO.28 OF 2017
WITH
JUDGE'S ORDER NO.128 OF 2017
IN
FOREIGN ADOPTION PETITION NO.28 OF 2017

Adharashram

... Petitioner

v/s

Mr Rajaram Reddy Kasarla and

Mrs Bhagya Reddy Kasarla

... 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 a male minor – Darshan, born on 26th January 2015. The biological mother of the said minor surrendered the child before the Child Welfare Committee, Nashik on 20th April 2016 and the child's safe custody was given to the Petitioner Institution Adharashram, Nashik as per the order of the Child Welfare Committee dated 22nd April 2016 under section 33(3)

of Juvenile Justice (Care and Protection of Children) Act 2000.

2. The Child Welfare Committee has issued an order dated 24th June 2016 declaring the minor as legally free for adoption on the basis of a Deed of Surrender executed by the biological parents of the child and the declaration submitted by the District Child Protection Unit and the Specialized Adoption Agency to the effect that they have made restoration efforts as required under these guidelines and relevant rules, but nobody has approached the agency for claiming the child as biological parents or legal guardian as on date of the said declaration. The Free for Adoption Order and Background information of minor are on record along with the undertaking / affidavit filed by the Petitioner.

3. The Central Adoption Resource Authority (CARA), New Delhi has also issued a No Objection Certificate dated 8th March 2017.

4. The proposed adopters are American Nationals of Indian origin, residing at Texas, U.S.A., aged about 46 and 41 years

respectively. They are married for 16 years with no biological children. However, they have one adopted daughter 'Shraddha' aged about 5 years from India. Her adoption decree, birth certificate / citizenship certificate have been tendered today before me and are taken on record and marked 'X1' and 'X2'. The marriage certificate of the proposed adopters is also tendered and marked as 'X3'. The motivation letter from the proposed adopters along with their passport copies are also on record. The health reports dated 10th October 2016 of the proposed adopters state that there are no physical, mental or psychological unfavourable elements of the proposed adopters which will affect the upbringing of the child. Their HIV and HbsAg test results also show as negative.

5. The first proposed Adopter is working as a Vice President / Lead Consultant with Bank of America and his annual salary is US \$ 146,932.00. His wife is working as a Senior Software Engineer with Matrix Care Minnesota, U.S.A. and her annual salary is US \$ 105,822.00. The internal revenue service tax return transcript for the years 2013-2014 and 2015 are also on record. Along with this, the Bank Reference, Certificate of Financial Status as of October 2016 of

the proposed adopters is also on record.

6. The home study report of the prospective adoptive parents dated 10th February 2017 from the Authorities of 'Bright Dreams International, Texas, U.S.A. is also on record and it states that 'The couple have a strong, loving marriage with an especially strong support system of family and friends. The approval notice dated 12th November 2015 and 24th February 2017 from the Department of Homeland Security is on record and it states the approval expiration date is 12th February 2017. The 'Article 5' letters from the Embassy of the United States of America dated 18th November 2016 is also on record.

7. Over and above all these documents, there is an undertaking dated 7th February 2017 by the sister and brother-in-law of the 2nd proposed Adopter residing at Georgia, U.S.A. that they would take care of the child in case of any unforeseen mishap to the proposed adopters.

8. The HIV report dated 29th April 2017 of the minor is

before me certifying that the case is negative. Even the Medical Examination Report of the proposed minor Darshan dated 20th July 2016 states that he is a normal child. At present he does not seem to have any developmental delay. The proposed adopters have countersigned this report along with the Assessment Report. The consent and willingness of the proposed adopters has also been tendered before me and marked as 'X4'. The Undertaking dated 16th March 2017 by the Sponsoring Agency 'International Adoption Net', U.S.A. is on record. The General Power of Attorney dated 6th March 2017 duly signed by the proposed adopters in favour of the Petitioner Institution is also on record.

7. In view of all these documents, I find that the adoption is in the interest of the child. In view of this, Adoption Petition is allowed and the Judge's Order is separately signed. Foreign Adoption Petition is allowed in terms of prayer clauses (a), (b) and (c).

(B.P. COLABAWALLA, J.)