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

**FOREIGN ADOPTION PETITION NO. 37 OF 2017
WITH
JUDGE'S ORDER NO. 152 OF 2017
WITH
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WITH
JUDGE'S ORDER NO. 154 OF 2017**

1. Bal Anand, Worldchildren Welfare
Trust India, Sai Krupa, 93 Ghatla Village
Chembur, Mumbai – 400 071
Through : Mrs Vandana Patil,
Social Worker ...Petitioner

Vs

1. Mr Mark Eldon Stoll, American
National, aged 42 years, residing at
9788 West Gypsy Ridge Road,
Campbellsburg, Indiana 47108,
U.S.A.
- 2 Mrs Annette Kay Stoll, American
National aged 43 wife of Mr Mark
Eldon Stoll residing at the above
said address. ...Proposed adopters

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Mr Rakesh Kapoor for the Petitioner.
Mr O.Hareendran, Security Officer ICSW present.
Ms Kala Sundarvedha, Director of World children Welfare Trust
India present.

.....

**CORAM : B. P. COLABAWALLA, J.
JULY 19, 2017.**

P.C.:

This is a Foreign Adoption Petition for adoption of three sibling, namely, two boys and one girl by U.S. Nationals. The three children are present before me. The male minor Rahul was born on 26th February, 2012, his sister Durga was born on 9th April, 2013 and their youngest brother Suraj was born on 5th July, 2015. All these three children were found abandoned at Ghatkoper Railway Station, Platform No.1, on 19th January, 2016 by Kurla Railway Police and were produced before the Child Welfare Committee, Mumbai Suburban District, Mumbai on the same day. The minors' safe custody was then given to the Petitioner Institution as per the order dated 19th January, 2016 passed by the CWC under Section 33(i)(a) of the Juvenile Justice (Care and Protection of Children) Act, 2000. The admission orders are on record. The representation of the Indian Council of Social Welfare (ICSW) is taken on record and marked "X" for identification.

2 The said Child Welfare Committee Mumbai Suburban

District, Government of Maharashtra issued Orders dated 07/10/2016 stating that Evidence by the concerned I.O. of Kurla Railway Police Station was recorded before the CWC on 12/02/2016, Newspapers publications were done in (1) Pudhari on 20/05/2016, and (2) Sakal on 27/06/2016. Further, TV Telecasting was done on DD Sahyadri Channel on 20/07/2016. Final Report of Kurla Railway Police Station was submitted to CWC on 10/06/2016. As per the Report of Bal Anand dated 12/09/2016 no one has come forward to claim the said children till date. Based on these above mentioned reports the C.W.C. Mumbai Suburban District declared the said children Rahul, Suraj and Durga legally free for adoption under section 38 (1) of the Juvenile Justice (Care and Protection of Children) Act 2015 and restored the said children under section (40) (3) of Juvenile Justice (Care and Protection of Children) Act 2015 to the Public Institutions for their further rehabilitation.. The Free for Adoption Orders are on record.

3 The undertaking/affidavit by the Petitioner is also on record.

4 The Central Adoption Resource Authority (CARA), New Delhi has issued a No Objection Certificate dated 10/03/2017 as per Adoption Regulations - 2017 and Article 17 (c) of the Hague Convention on the Protection of Children and Cooperation in respect of inter-country adoption 1993 and which is also on record.

5 The Proposed Adopters are American Nationals residing at Indiana, U.S.A. aged about 42 and 43 years respectively. They have been married for the past 21 years (23/06/1996) with three biological children, two sons aged about 16 years and 11 years respectively and a daughter aged about 13 years. The biological childrens' consent letters are on record.

6 Passport Copies of the Proposed Adopters is also on record.

7 The health reports of the Proposed Adopters dated

29/04/2016 is on record and it states “shown no symptom of a contagious or fatal disease and are fit to adopt a child”. These health reports are also before me.

8 The HIV test reports of the entire adoptive family, namely, the adoptive parents as well as their three biological children has been tendered before me today and is marked as “X-1” (colly) for identification. These HIV reports show the case of the respective persons as non-reactive.

9 The first Proposed Adopter is a self-employed Farmer and his gross income for the year 2015 is US\$ 133,755 and Net income is \$ 37,363. In addition to this he also earned \$ 4,575 in additional income on a W-2. The total gross income for 2015 was US\$ 41,938. His wife is a Homemaker

10 The Proposed Adopters U.S. Individual Income Tax Return for the years 2013, 2014 and 2015 are on record.

11 The Attestation and declaration of personal conditions is also on record.

12 The home study report dated 24/10/2016 by the authorities of Kidsfirst International Adoption, INC, Indiana, and U.S.A is on record and it states “The proposed adopters have met all of the requirements for adoption in the State of Indiana. They meet the requirements for adoption as required by the country of India in regard to their ages, length of marriage, number of children in the household, health and fitness, criminal clearance, education, employment, income, and ability to parent an orphan. The couple is approved and willing to adopt up to three children of either gender, up to seven years of age from India at time of referral”.

13 The Approval Notice dated November 29, 2016 from the Department of Homeland Security is on record and it states the Approval expiration date is December 23, 2017. This approval notice is also on record.

14 The “Article 5” Letters in respect of the proposed minors Rahul, Suraj and Durga dated 12/01/2017 from Embassy of the United States of America is on record.

15 The H.I.V. report of the proposed minors dated 05/04/2017 are on record and certify the case as Negative.

16 The Medical Examination Report of the minor **Rahul** dated 05/10/2016 states, "Result of tuberculin test made on 30/01/2016 is Positive. He has received AKT treatment for 6 months in view of Mantoux test positive. Rahul is a cheerful child and his growth and development is appropriate for his age". The Proposed Adopters have counter signed this report.

17 The Medical Examination Report of the minor **Suraj** dated 05/10/2016 states, "Result of tuberculin test made on 22/01/2016 is Positive. Suraj is under treatment with AKT medicines since 03/02/2016. His Chest X-ray done on 14/09/2016 suggestive of Right lower zone Pneumonitis. His development appears to be appropriate of his age". The Proposed Adopters have counter signed this report.

18 The Medical Examination Report of the minor **Durga** dated 05/10/2016 states, "Result of tuberculin test made on 30/01/2016 is Positive. She has received AKT treatment for 6 months in view of Mantoux test positive. Left Elbow deformity

since the time she was brought to Bal Anand, was detected to have Cubitus Varus deformity that would require surgical correction as recommended by Pediatric Orthopedic surgeon". The Proposed Adopters have counter signed this report.

19 The Consent and Declaration of Willingness of the Proposed Adopters is on record.

20 The copy of the acceptance letter from the proposed adopters and letter from their Agency dated 6th July, 2017 and 7th July, 2017 are taken on record and marked "**X-2**" (colly) for identification.

21 The undertakings dated 10/01/2016 by the Authorized Foreign Adoption Agency "Children's Home Society of Minnesota" U.S.A. is on record.

22 The Copy of General Power of Attorney duly signed by the Proposed Adopters in favour of the Petitioner institution is on record.

23 The Indian Specialized Adoption Agency (Bal Anand,

Worldchildren Welfare Trust India, Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 31.12.2020.

24 Looking at all these documents that are before me, I think it would be in the interest of all the three children if they are adopted by the proposed adopters. I, therefore, do not find any impediment in granting the reliefs sought in the Petition.

25 In view of this, the Petition is allowed in terms of prayer clauses (b) and (c) and the Judges Orders (three) are separately signed.

(B. P. COLABAWALLA, J.)