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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.46 OF 2017
WITH
JUDGE'S ORDER NO.183 OF 2017

Dnyan Gangotri Education Society, Udgir Latur ...Petitioner

vs

1. Ashley Gregory Pereira ...Proposed Adopters
2. Shiante Ashley Pereira

.....

Ms. Ashwini Deeliprao Andurkar, for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare
present.

CORAM : S.C. GUPTE, J.
(IN CHAMBERS)
DATED: 4 OCTOBER, 2017

P.C. :

. This is a foreign adoption petition proposing adoption of female minor Sanjana. Sanjana was born on 20 October 2011. Her mother of birth surrendered her before the Child Welfare Committee, Latur on 3 December 2011. The safe custody of the child was given to the Petitioner Institute, which is a registered Institute under Section 34(3) read with Rule 23 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The admission order dated 3 December 2011 is produced before the Court.

2. The destitute declaration dated 30 July 2012 issued by the Child Welfare Committee is produced before the Court. The certificate confirms the birth mother's intention to surrender the child permanently by her affidavit dated 5 March 2012. No biological parent or relative of the child has thereafter approached with any objection either concerning the surrender of the child or offering to accept the responsibility of the child. The child is, accordingly, certified to be free for adoption. The Central Adoption Resource Authority (CARA) has issued its no objection certificate dated 24 November 2016 in conformity with the relevant Guidelines governing adoption of children. The relevant undertaking/affidavit of the Petitioner is placed on record.

3. The proposed adoptors are Canadian Nationals of Indian origin. They are Overseas Citizens of India Card Holders aged about 53 and 45 years, respectively. The couple is married for the past 13 years and having two biological children, namely, a daughter aged about 11½ years and a son aged about 4 years. The relevant record of the biological children, along with consent, wherever applicable, is placed on record. So also, personal particulars concerning passport registration, etc. of the adoptive parents are placed on record. Health reports of the adoptive parents indicate that they are healthy and fit to adopt the child. HIV reports of both parents indicate a non-reactive test report. The Court has considered the particulars of income and employment of the adoptive parents. The requisite particulars, including Assessment Certificate, are placed on record and perused by the Court.

4. The Home Study Report is prepared by Sunrise Family Services Society of Canada approved by CARA. The report considers various aspects such as personal description and experiences of the Applicant parents and their family background, education and work, as also religious and spiritual values and the state of physical and mental health. It also considers the particulars of both biological children of the Applicants and the overall family environment. After taking into account the parenting philosophy and experiences of both adoptive parents, as also their attitude and understanding concerning adoption and the condition of the child requested for in adoption, the agency has recommended adoption of Sanjana by the Applicant parents.

5. The ICSW representation dated 26 July 2017, submitted by Mr. O. Hareendran, Scrutiny Officer, is taken on record and marked "X" for identification.

6. The requisite compliances to be made in accordance with this representation, namely, the order of the Child Welfare Committee, Latur dated 3 December 2011 (with an English translation), and countersigned report of IQ Test Analysis of the child countersigned by the adoptive parents, are also taken on record, marked respectively "X-1" and "X-2".

7. All the requisite compliances concerning the adoption, including the approval from the Ministry of Children and Family Development, Canada, are in place.

8. Considering the particulars and compliances noted above, the petition is allowed in terms of prayer clauses (a) to (c). A Judge's Order in that behalf is signed separately. The proposed adopters shall deposit a sum of Rs.60,000/- with the Prothonotary and Senior Master of this Court in accordance with the admission order. This amount shall be refunded along with accrued interest after two years subject to the proposed adoptors submitting the following documents :

- (i) Updated school reports, if available;
- (ii) Follow up Report on the adjustment of the child in her new home;
- (iii) Formal adoption confirmation from the authorities in the foreign country, and citizenship and naturalization documents;
- (iv) Report from the Indian Council of Social Welfare certifying updated scrutiny of compliance of aforementioned documents;
- (v) Health report of the child;
- (vi) Proof of investment of Rs.3,50,000/-;
- (vii) Photograph of the Child showing her progress; an audio-video clip of the child both in the school and at home, and especially in the company of other children.

(S.C. GUPTE, J.)