

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO.38 OF 2017
WITH
JUDGE'S ORDER NO.158 OF 2017
WITH
JUDGE'S ORDER NO.159 OF 2017

Children of the World (India) Trust
Address at Vishwabalak Kendra,
Registered office at Plot No.9 and 10,
Sector 12, Phase II, Nerul,
Navi Mumbai-400 706 ... Petitioner

AND

1. Mr. Nilesh Makan, New Zealand National
aged 45 years.

2. Mrs. Roopa Radha Makan,
New Zealand National, aged 42 years,
Both residing at 34, Tui Street,
Alicetown, Lower Hutt 5010,
New Zealand ... Proposed Adopters

Ms Aarati P. Kulkarni for Petitioner.
Mr. O. Hareendran, Scrutiny Officer, ICSW.

CORAM : R. G. KETKAR, J.
DATE : AUGUST 9, 2017

P.C. :

This is a Foreign Adoption Petition for adoption of a male minor Manch, born on or about 08.04.2012 and a female minor Sanu, born on or about 25.08.2013. They were found abandoned at Ghansoli Village, behind Post Office by Rabale Police Station, Navi Mumbai on 06.04.2016 and produced the said minors before the Child Welfare Committee (for short 'Committee'), Thane on the same day and minor's safe custody was given to the petitioner institution, Children of the

World (India) Trust, Nerul, Navi Mumbai as per the order dated 06.04.2016 of the Committee under Section 33(4) of the Juvenile Justice (Care and Protection of Children) Act, 2000 for a period of 3 months. The Committee extended the period of commitment for further one year vide orders dated 05.07.2016 and 10.01.2017, which are at pages 12 to 14 and 16 to 18.

2. The Committee vide orders No.489 of 2016 and 490 of 2016 dated 06.04.2016 declared that the minors are legally free for adoption on the basis of Social Worker's Report, No Objection Letter No.6972/2016 dated 09.09.2016 from Rabale Police Station, Navi Mumbai, No Objection Letter No.3250 from District Women and Child Development, Thane and photographs published in daily newspaper Sakal dated 04.05.2016. The Central Adoption Resource Authority (CARA) has issued No Objection Certificate on 24.05.2017 certifying that CARA has no objection to the adoption of the minors with prospective adoptive parents as per the details set out therein. The said NOC is issued as per Adoption Regulations, 2017 and Article 5 of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption, 1993. It further sets out that the Children of the World (India) Trust, Maharashtra and Inter-Country Adoption New Zealand (ICANZ), New Zealand have been authorized to process the adoption case.

2. The proposed adopters are New Zealand Nationals, both residing at 34, Tui Street, Alicetown, Lower Hutt 5010, New Zealand, aged about 45 and 42 years. They have been married for the past 12 years (27.03.2005) with no biological children.

3. Mr. O. Hareendran, Scrutiny Officer has submitted scrutiny report

dated 22.07.2017, which is taken on record and marked 'X' for identification. I have perused the undertaking / affidavit made by the petitioner. I have also perused the passport copies of the proposed adopters. The medical evaluation report dated 10.02.2017 of the proposed adopters states that “No concerns regarding mental health and they are not taking any medication.” Their HIV Test Reports were not submitted. The reports of adoptive father and mother, both dated 24.07.2017, are now placed on record. They are taken on record and marked 'X1 and X2' respectively for identification. These reports certify that H.I.V. (1+2) is not detected in the case of the prospective adopters.

4. The prospective adoptive father is working as a Produce Manager with New World Supermarket (as per Home Study Report) and his income for the period from January 2016 to December 2016 is \$54,582 as per the Income Tax Certificate, which is placed on record. His employment and income certificate were not submitted. T&G Global, 52 Jamaica Drive, Grenada North, Wellington has issued certificate dated 22.07.2017 setting out therein that prospective adoptive father has been employed with them since 14.11.2016. He holds the title of Key Account Representative - Wellington and earns an annual salary of \$70,000, which is paid fortnightly by direct credit. A certificate dated 22.07.2017 is taken on record and marked 'X3' for identification.

5. The prospective mother is working as an Administrator with Vector Energy AMS Wellington (as per Home Study Report) and her income for the period from January 2016 to December 2016 is \$43,975 as per the income tax certificate. The employment and income tax certificate were not earlier submitted. Ms Kulkarni has now tendered certificate dated 23.07.2017 issued by Vector Limited confirming that the prospective adoptive mother has been employed by Vector AMS Pty

Ltd as a Data Services (MDP) Co-ordinator since 01.05.2017. this position is a permanent full time role of 40 hours per week. Her fixed remuneration is \$58,000/- (before tax) per annum. This is paid fortnightly in arrears. The said certificate is taken on record and marked 'X4' for identification. Ms Kulkarni has submitted supportive financial documents, proof of residence and property. They are taken on record and marked 'X5 collectively' for identification (pages 3 to 25).

6. The Home Study Report dated 21.02.2017 by the authorities of “Adoption First Steps, New Zealand” is on record (pages 49 to 61). It states “Roopa and Nilesh are first generation New Zealand born Indians and due to infertility issues and numerous unsuccessful treatment attempts, they have decided to apply to adopt. The agency approves Roopa and Nilesh to adopt two Indian children, aged between 0-6 years at the time of matching. The certificate of approval to adopt a child from India dated 21.02.2017 from Ministry of Social Development, New Zealand is placed on record (at pages 62 and 89 respectively).

7. The HIV Report dated 11.05.2017 of the proposed minors certifying the case as Non-Reactive is placed on record. The proposed adopters have countersigned the medical examination reports of both the minors. The proposed adopters have placed on record a declaration and willingness. The undertaking dated 20.03.2017 by the Authorized Foreign Adoption Agency “Inter-country Adoption New Zealand” is also placed on record. A copy of the Power of Attorney dated 22.03.2017 in favour of the petitioner institution is also placed on record.

8. The proposed adoptive parents have appointed Mr. Manoj Prabhu (DOB: 16.09.1963), citizen of New Zealand and Ms Bhavana Prabhu (DOB: 14.12.1966), citizen of New Zealand to take responsibility of the

minor children in the event of their sudden death. The said document is dated 06.07.2017, which is taken on record and marked 'X7' for identification.

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

10. In view thereof, Petition is allowed in terms of prayer clauses (a), (b) and (c) and the Judge's orders are separately signed.

(R. G. KETKAR, J.)

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