

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION**

**FOREIGN ADOPTION PETITION NO. 43 OF 2017
WITH
JUDGES ORDER NO. 181 OF 2017**

SWTI, Bal Vikas Shishu Bhavan, Malad [E]	]	
Mumbai 400 097 through Mrs. Jaissita	]	
Panigrahi, Managing Trustee	]	Petitioner
Vs.		
Morten Valentiner a Danish national	]	Proposed
and Anr.	]	Adopters

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Smt. Lalita Jaya Raj, for petitioner.

Mr. O. Hareendran, Scrutiny Officer (ICSW) present.

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CORAM : R.G. KETKAR, J.

DATE : 23RD AUGUST, 2017.

P.C.

Heard Ms. Lalita Jaya Raj, learned Counsel for the petitioner at length.

2. This Petition proposes adoption of female minor Anupriya born on 8th November, 2016. The mother had relinquished her child before the Child Welfare Committee, Mumbai Suburban District, Mumbai [for short 'C.W.C'] on 15th November, 2016 and the safe custody was given to the Petitioner

institution Bal Vikas, Mumbai as per the order of C.W.C dated 15th November, 2016 under section 33 (i) (a) of the Juvenile Justice (Care and Protection of Children) Act 2000 [for short 'Act']. The said order is at page 29-30.

3. C.W.C has issued an order dated 6th February, 2017 . It states that;

“The biological mother was informed about the period of two months and she had to reconsider her decision of relinquishing the above-mentioned female child Anupriya. Social Worker submitted the report on 6th February, 2017. Till date the biological mother has not come forward to claim the above mentioned female child as per the Social Worker report dated 6th February, 2017. Given the above facts and circumstances the said female child Anupriya aged 3 months is hereby declared legally free for adoption on 6th February, 2017 under section 41 (5) (b) and committed to Bal Vikas under section 39 (iii) (f) of Juvenile Amended Act 2006. Hence, the said female child is to be rehabilitated through adoption with a suitable family”

It is at page 30. The undertaking/affidavit by the petitioner is at pages 20 to 22. The Central Adoption Resource Authority [CARA], New Delhi has issued No Objection Certificate dated 9th June, 2017 to this adoption as per Adoption Regulations 2017 and Article 17 (c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption 1993. It is at page No. 33.

4. The Proposed Adopters are Danish Nationals residing at Kobenhavn, Denmark aged about 41 and 44 years respectively. They have been married for the past 4 ½ years (9th March, 2013)

with no biological children. Passport copies of the Proposed Adopters are at Pages 17 to 19. The Health Report of the proposed adopters dated 6th July, 2017 states “found to be physically and mentally healthy, and do not present any health problems, which speak against adoption”. Their HIV and Australian Antigen (Hep. B) tested, and that the tests are found to be Negative. It is at pages 64 to 65.

5. The prospective adopting father is working as a Senior Business Controller Partner with Nordea Bank Denmark A/S, Denmark and his monthly salary amounts to DKK 52,747.41 before tax deduction. It is at page 35. His wife is working as a Relationship Manager with the Company Nets A/S, Denmark and her monthly salary amounts to DKK 42,650.25 before tax deduction. It is at page 36. The Tax Certificate of Income and Property for the years 2014, 2015 and 2016 is at page 38. The assets Certificate and Bank Certificates are at page 37. The childcare arrangement letter from the proposed adopters in at page 43.

6. The Home study report dated 4th January, 2016 by the Authorities of State Administration Denmark is at page 46 to 55A. It states that the couple's relationship with each other is experienced as loving and harmonious, and there is a sense of mutual caring. They both come across as being flexible and broad-minded and both seem to have the ability to handle the challenges that come with parenting a child with special needs. The overall picture of the couple seems adequate and leaves an impression of a

couple with good personal resources to adopt a child aged between 12 and 36 months.

7. The updated Home Study Report by the State Administration dated 23rd May, 2017 is at page 56 and it states that with reference to the home study dated 4th January, 2016 regarding the applicants confirms that there have been no major changes in the conditions of the applicants since the elaboration of the said report and thus the applicants are still considered fit as adoptive parents for a foreign child. The consent dated 24th May, 2017 from National Social Appeal Board, Division of Family Affairs and Approval Certificate dated 12th June, 2017 on behalf of Danish International Adoption, DIA is at pages 31, 32 and 60.

8. The HIV-1 DNA qualitative and HIV-2 RT reports of the minor dated 12th May, 2017 certifies the case as 'Not Detected'. It is at pages 78 to 81. The Post Card size photograph of the minor is at page 45. The Physical Examination Report of the proposed minor dated 15th February, 2017 states that result of tests for Hbs ag: Positive". The Blood examination report dated 4th February, 2017 for Au Anigen (Hbs Ag. Hepatitis B. Surface antigen) is at pages 70 to 77 and it states that the test is positive. The proposed adopters have countersigned these reports.

9. The Australia Antigen Test Report dated 7th February, 2017 and Hepatitis B Envelope Antibody and Antigen test report dated 31st March, 2017 Non Reactive and Hepatitis B Surface Antibody Reactive. The proposed adopters have countersigned

these reports . Reports are at pages 82 to 84. Joint Declaration and undertakings by the proposed adopters are at pages 61 to 62. Undertakings dated 12th June, 2017 by the sponsoring Agency “Danish International Adoption” Denmark is at page 63. The General Power of Attorney duly signed by the proposed Adopters dated 6th June, 2017 is on record.

10. The report made by C.S.W dated 21st August, 2017 submitted by O. Hareendran, Scrutiny Officer is taken on record and marked 'X' for identification. Judges order is separately signed. I find no impediment in passing the order.

[R.G. KETKAR, J.]