

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 53 OF 2017
WITH
JUDGE'S ORDER NO. 225 OF 2017**

Bal Anand, Worldchildren Welfare
Trust India

...Petitioner

vs

1. Francisco Ramon Ramirez Lopez, and
2. Maria Teressa Gaude Quijada

...Proposed Adopters

Mr. Rakesh Kapoor, for the Petitioner.

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

**CORAM : S.C. GUPTE, J.
(IN CHAMBERS)**

DATED: 11 OCTOBER, 2017

P.C. :

. Heard Mr. Rakesh Kapoor, learned Counsel for the Petitioner and Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (ICSW).

2. The Petitioner is the custodian of a male minor Mayur. This petition proposes adoption of the said child. The minor, born on 22 June 2010, was found abandoned by Mulund Railway Police Station on 22 August 2014. The minor was admitted to an observation Home on 23 August 2014 and later to the Petitioner Institution on 13 March 2015 as per the order of Child Welfare Committee, Mumbai Suburban District under the provisions of Juvenile Justice Act, 2015.

3. The Destitute Declaration Order dated 25 November 2016 issued by the Child Welfare Committee (hereinafter referred to as “CWC”) is produced before the Court. Even after publication in newspapers no biological parent or relative of the child has approached with any objection for claiming the child. The final report of Mulund Railway Police Station was submitted to the CWC on 27 October 2016. The CWC Mumbai Suburban District, has accordingly declared the child as legally free for adoption.

4. The Central Adoption Resource Authority (CARA), New Delhi has issued no objection certificate dated 07 August 2017 as per the applicable 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.

5. The proposed adopters are Spanish Nationals residing at Albacete, Spain, both aged 44 years. They have been married for the past 6 years with no biological children. The Medical Certificates of adoptive parents indicate sound physical and mental health showing them to be fit to adopt the child. The HIV and Hepatitis A, B or C tests are negative. The prospective adoptive father is working as an Agricultural and Environmental Skilled worker (Civil Servant) with Regional Government of Castilla-La Mancha, Spain and his gross annual income in the year 2016 amounted to 24,442.54 Euros, whereas the adoptive mother is a Housewife. The requisite particulars in this behalf including the documents of income tax, financial declaration and bank statements, are placed on record.

6. The home study report dated 10 June 2016 has been prepared by the authorities of “Service for Families and Minors, Regional Ministry of Social Welfare, Spain”, which is recognized by CARA. The report considers at great length the profiles of the Applicants, their lifestyle, child care perspective and psychological evaluation. After considering the physical and social environment, family preparation and psychological evaluation, the agency has recommended the Applicants to be approved for adoption of the child from India between the age of 0 to 6 years. The requisite documents from the Ministry of Social Welfare of Spain concerning the adoption and child security are also placed on record.

7. The medical examination report of the child dated 10 January 2017 indicates “Past medical problem: Received AKT for 6 months in view of Mantoux Test Positive”. Overall observation is that the child is a happy and lively child. His growth and development appear to be appropriate for his age. The adoptive parents have perused and countersigned this report and the same is placed on record. Their consent and declaration of Willingness and Undertaking is after perusal of the report.

8. The Psychological Assessment Test Report dated 16 August 2016 states the child's verbal I.Q. as 109 and performance IQ as 104 and Full scale I.Q as 106. His performance during the current assessment indicates an average overall intellectual functioning. The adoptive parents have countersigned the said report and the same is also placed on record.

9. The adoptive parents have also furnished a detailed undertaking to comply with all requirements of Chapter IV paragraph 19. The Consent and

Declaration of Willingness and Undertaking of the proposed adopters as well as the Authorized Foreign Adoption Agency “Children Without Frontiers”, Spain are placed on record.

10. The scrutiny report submitted by the ICSW, through Mr.O. Hareendran, Scrutiny Officer, dated 26 September 2017, is taken on record marked “X”.

11. Considering the particulars and compliances noted above, and after going through all the aspects of the adoption case, this Court is of the view that the petition should be allowed. The petition is, accordingly, allowed in terms of prayer clauses (a), (b) and (c). A Judge's Order in this behalf is signed to that effect. The proposed adopters shall deposit a sum of Rs.60,000/- with the Prothonotary and Senior Master of this Court in accordance with the order/practice note issued by the Court.

12. The amount of Rs.60,000/- shall be refunded along with accrued interest after two years subject to the proposed adopters submitting the following documents:

- (i) Updated school reports, if available;
- (ii) Follow up Report on the adjustment of the child in his 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 his 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.)