

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

**INDIAN ADOPTION PETITION NO. 19 OF 2017
WITH
JUDGE'S ORDER NO. 237 OF 2017**

St.Catherine's Home

...Petitioner

vs

1. Jaydeep Krishna Shirkar

2. Asmita Jaydeep Shirkar

...Prospective

Adoptive Parents

Mr.Rakesh Kapoor, Advocate for the Petitioner.

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

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

DATED: 8 NOVEMBER, 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 This petition proposes adoption of a male minor Samarth. The
child was born on 9 January 2017 and surrendered by the biological
mother before the Child Welfare Committee, Mumbai Suburban District,
Mumbai on 17 January 2017. Custody of the child was given to
St.Catherine's Home, Mumbai, the present Petitioner/Applicant, under
Section 33(i)(a) of the Juvenile Justice Act, 2015.

3 The Child Welfare Committee, after perusing the inquiry report of the Child Welfare Officer, the document / Deed of Surrender and declaration of the District Child Protection Unit and Specialized Adoption Agency, has issued an order on 22 June 2017 declaring the child to be legally free for adoption. The order is placed on record.

4 The prospective adoptive parents are residing at Kuwarbao, District. Ratnagiri. They are aged about 38 and 33 years, respectively. They have been married for the past 11 years with no biological child due to medical reasons. The motivation letter of the prospective adopters, the decision of the Adoption Committee and also the affidavit of Specialized Adoption Agency are all placed on record. Also placed on record are the health reports of the prospective parents. The health reports indicate sound physical and mental health fit for adoption with HIV and HBSAg tests in the negative.

5 The first prospective adoptive parent is working as an Executive with JSW Jaigarh Port Ltd., Jaigarh since 2007, while the second adoptive parent is a homemaker. The salary statement, Tax Returns as well as the identity and residence proofs, etc. are placed on record.

6 The home study assessment, which in its Part I contains a self-assessment by the prospective adopters and assessment of the Social worker of the authorities of District Child Protection Unit, Ratnagiri, as part II thereof, considers various aspects, such as the state of preparedness of the prospective adoptive parents, their attitude towards parenting, the interactions with the family members of the prospective adoptive parents and financial as well as physical and emotional capacity of the prospective

adoptive parents. Based on such assessment, the social worker in his home study report has recommended the Applicants / Parents for the present adoption.

7 The child security undertaking given by the brother and sister-in-law of the prospective adoptive parents residing at Pune to look after the minor child in case of any mishap of the Petitioners is placed on record.

8 The medical examination of the minor child indicates the normal and active child. The HIV report certifies a negative test. The proposed adopters have countersigned the medical report and have submitted a joint consent, willingness and undertaking after perusal of the report. They have also submitted a pre-adoption foster care undertaking as also undertaking to send a follow-up report.

9 The scrutiny report submitted by the ICSW, through Mr.O. Hareendran, Scrutiny Officer, dated 31 August 2017, is taken on record marked "X" for identification.

10 Considering the circumstances of the case, which have been noted above, and the various compliances, the court is satisfied as to the merits of the application for adoption. Accordingly, the petition is, accordingly, allowed in terms of prayer clauses (a), (b), (c) and (d). The prospective adoptive parents have agreed to deposit Rs.1,00,000/- (Rupees One Lakh only) in the name of minor Samarth. A Judge's Order in this behalf is signed to that effect.

(S.C. GUPTE, J.)