

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

INDIAN ADOPTION PETITION NO. 18 OF 2017
WITH
JUDGE'S ORDER NO. 234 OF 2017**

St.Catherine's Home

...Petitioner

vs

1. Shrikant Babarao Ghongade,
2. Deepti Shrikant Ghongade

...Prospective
Adoptive Parents

Mr.Rakesh Kapoor, Advocate for the Petitioner.

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

Mr.Shrikant Babarao Ghongade and Mrs.Deepti Shrikant Ghongade
Proposed Adopters present.

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

DATED: 15 NOVEMBER, 2017

P.C. :

Heard Mr.Rakesh Kapoor, learned Counsel for the Petitioners/sole Applicants and Mr.O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (ICSW). The prospective adoptive parents are present in the Chambers.

2 This petition proposes adoption of a female minor, by the name of Mahika, born on 4 March 2017. The child was surrendered by the biological mother before the Child Welfare Committee, Mumbai Suburban District within a period of one week. Custody of the child was given to the Applicant institution under Section 33(i)(a) of the Juvenile Justice Act,

2000 read with Section 36(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3 The Child Welfare Committee, after considering the intake case sheet submitted by the social worker of Specialized Adoption Committee, documents / Deed of Surrender by the biological parent and declaration of the Adoption Agency, has certified the child to be legally free for adoption. The order dated 16 June 2017 in this behalf is placed on record.

4 The prospective adoptive parents are residing at Nagpur. They are aged about 36 and 35, respectively, and have been married for past seven years with no biological child. The motivation letter of the adoptive parents, the decision of the Adoption Committee and the affidavit of the Chief Officer of the Adoption Agency are placed on record. Also placed on record is the health report of the proposed adoptive parents. The report shows them to be physically and mentally fit. Their HIV and HBsAg tests reports are in the negative.

5 The prospective adoptive father is working as the Area sales Manager with HPL Electric & Power Ltd., whilst adoptive mother is working as a Lecturer at Prerna College of Commerce, Nagpur. Their proofs of residence and identity as well as proofs of income, including bank statements and returns, are placed on record. Also placed on record is Child Care Plan / declaration / undertaking furnished by them.

6 The home study report, containing self-assessment in part I and assessment of the social worker of Holy Cross Home for Babies,

Amravati in Part II, considers various aspects, such as psycho-social assessment, interaction with family members, the physical and emotional as well as financial capacity of the adoptive parents. Based on these, the social worker has recommended adoption of the minor child by the prospective adoptive parents.

7 Two near relatives of the prospective adoptive mother, namely, her brother and sister-in-law, have furnished an undertaking to look after the minor child in case of any mishap to the co-petitioners. The same is placed on record.

8 The medical examination report of the minor child is placed on record. It shows the child to be a normal and active child with HIV report in the negative. The consent and willingness of the prospective adoptive parents have been indicated after perusal of the report. The consent and undertaking in this behalf are placed on record. So also, the pre-adoption foster care undertaking of the adoptive parents as well as an undertaking to send follow-up reports to the Petitioner institution are placed on record.

9 Considering the material placed before the court, some of which has been referred to above, and the compliances noted as above, this court is of the view that the adoption petition deserves to be allowed.

10 The report of the Scrutiny Officer dated 2 October 2017 is taken on record, marked "X" for identification.

11 The petition is, accordingly, allowed in terms of prayer clauses (a), (b) and (c). The prospective adoptive parents are allowed to change the name of the minor as indicated in prayer clause (d).

12 In accordance with the practice adopted by this court in the case of Indian adoptions, the adoptive parents have offered to make an investment in the name of the minor child. It is, however, submitted that the amount be kept to the minimum, since the adoptive parents have recently acquired a residential accommodation and are not in a position to place a larger sum in deposit. The adoptive parents are accordingly permitted to invest a sum of Rupees One Lakh in the name of the minor and submit a proof of such investment.

13 A separate Judge's Order allowing the petition is signed by this court today.

(S.C. GUPTE, J.)