

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

FOREIGN ADOPTION PETITION NO. 58 OF 2017
WITH
JUDGE'S ORDER NO.250 OF 2017**

Vatsalya Trust

vs

...Petitioner

1. Kumaresh J Nattanmai and

2 Umashree Kuttuva Subramanian

...Proposed Adopters

Ms. Sangeeta A. Nagpal, Advocate for the Petitioner.

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

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

DATED: 22 NOVEMBER, 2017

P.C. :

. Heard Ms. Sangeeta A. Nagpal, 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 female minor Pooja. This petition proposes adoption of the said child. The minor was born on 30 July 2014 and relinquished by the biological mother before Child Welfare Committee, Karjat, District Raigad on 1 December 2014. Pursuant thereto, the custody of the child was given to the Petitioner institution under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015.

3 The Child Welfare Committee, after considering the inquiry report submitted by the Social Worker and Deed of Surrender by the biological parent, has certified the child to be legally free for adoption. The Free for Adoption Order and the undertaking/affidavit by the Petitioner institution in this behalf are placed on record.

4 The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 9 June 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. The relevant certificate is placed on record.

5 The first proposed adopter is an American & Indian National and the second proposed adopter is an Indian National, both residing at Texas, U.S.A., aged about 50 and 46 years, respectively. They are married for the past 21 years with no biological child due to medical reasons. The motivation letter and passport copies of the adopters are placed on record. Also placed on record are the health reports of the proposed adopters, which show sound physical and mental condition. The proposed adoptive parents are both working in the U.S.A. Their respective income, financial condition and property statements have been placed on record. These show their capacity to take care of the minor proposed for adoption.

6 The child care plan declaration from the proposed adopters is also placed on record and perused by the court. Home Study is conducted by "International Family Services", U.S.A. The reports of 26 January 2015 and 9 April 2015 indicate the various parameters considered by the agency for assessing the suitability of the prospective adoptive parents for the

proposed adoption. The reports go into various particulars such as family background information, attitude of the prospective adoptive parents towards the proposed adoption, their psycho-social assessment, financial position, the description of their home and neighbourhood, their marital relationship and various other considerations from the point of parenting of the adopted child as also their preparation and training for such adoption.

7 The Certificate from the Embassy of the United States of America and Provisional Approval Notice from the Department of Homeland Security are placed on record.

8 The medical examination report of the minor indicates normal physical and mental development. The H.I.V report of the proposed minor certifies the case as negative. The proposed adoptive parents have perused and countersigned the report, and issued their acceptance of the minor in adoption after such perusal. The adoptive parents have also furnished an undertaking to take care of the child.

9 The other requisite compliances are found in order. The undertaking of the Authorised Foreign Adoption Agency “Children's House International Adoption”, U.S.A, General Power of Attorney of the proposed Adopter in favour of the Petitioner Institution and recognition of the Indian Placement Agency are all placed on record.

10 The scrutiny report submitted by the ICSW, through Mr.O. Hareendran, Scrutiny Officer, dated 29 September, 2017, is taken on record marked “X”.

11 In view of the circumstances mentioned above, and considering the compliances noted above, this Court is of the view that the petition should be allowed.

12 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.

13 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 her 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 her 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.)