

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

INDIAN ADOPTION PETITION NO. 21 OF 2017
WITH
JUDGE'S ORDER NO. 246 OF 2017**

Shraddhanand Mahilashram

...Petitioner

vs

1. Ryan Barretto,

2. Christabella Barretto

...Prospective Adoptive Parents

Mr. Rakesh Kapoor, Advocate for the Petitioner.

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

Mr. Ryan Barretto and Mrs. Christabella Barretto, Prospective Adoptive
parents are present.

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

DATED: 29 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) in the Chambers. The prospective adoptive parents are also
present.

2 This petition proposes adoption of a female minor, by the
name of Payal, born on 13 November 2016. Custody of the child was given
to the Applicant institution on 23 November 2016 as per the order of Child
Welfare Committee, Mumbai under Section 31 of the Juvenile Justice (Care
and Protection of Children) Act, 2015. The Admission order is placed on

record.

3 Thereafter, the child was surrendered by the biological mother, who executed a Deed of Surrender before the Child Welfare Committee, Mumbai City II on 22 February 2017 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Child Welfare Committee, after considering the intake case sheet submitted by the social worker of Specialized Adoption Committee, document / Deed of Surrender by the biological parent and declaration of the Adoption Agency, has certified the child to be legally free for adoption. The Free for adoption order dated 17 July 2017 is placed on record.

4 The prospective adoptive parents are residing at Mahim, Mumbai. They are aged about 43 and 42 years 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 functionary of the Specialized Adoption Agency are placed on record. Also placed on record are the health reports of the proposed adoptive parents. The reports show them to be physically and mentally fit. Their HIV I and II and Hepatitis B tests reports are negative.

5 The prospective adoptive father is self employed Consultant (Training business at his home), whilst the adoptive mother is working as an Officer-Trade Finance in the operations and IT Department with Abu Dhabi Commercial Bank. Their residence and identity proofs 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 Indian Association for Promotion of Adoption & Child Welfare (IAPA), Matunga, Mumbai in Part II, considers various aspects, such as psycho-social assessment, interaction with family members, 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 The brother and sister-in-law of the prospective adoptive mother have furnished undertakings to look after the minor child in case of any mishap to the co-petitioners.

8 The medical examination report of the minor child is placed on record. It states as follows: "Milestones appropriate for age." The child is a normal and active child with HIV report in the negative. The joint 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 and the 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 11 November 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 a sum of Rupees Two Lakhs 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.)