

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

**INDIAN ADOPTION PETITION NO. 25 OF 2017
WITH
JUDGE'S ORDER NO. 260 OF 2017**

MSWC, Asha Sadan Balgruh

...Petitioner

vs

1. Manohar Suvarna,

2. Rashmi Suvarna

...Prospective Adoptive Parents

Ms. Dipal S. Mehta, Advocate for the Petitioner.

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

Mr. Manohar Suvarna and Mrs. Rashmi Suvarna, Prospective Adoptive
parents are present.

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

DATED: 29 NOVEMBER, 2017

P.C. :

Heard Ms. Dipal S. Mehta, 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 male minor, by the name
of Prabhas, born on 6 June 2017. The biological mother relinquished the
child before the Child Welfare Committee, Mumbai on 10 June 2017 and
thereafter, the custody of the child was given to the Applicant institution
on 10 June 2017 as per the order of Child Welfare Committee, Mumbai

under Section 31 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3 Thereafter, the Child Welfare Committee, Mumbai City II has issued a Certificate declaring the child legally free for adoption. 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 14 August 2017 is placed on record. The Commitment order is also placed on record.

4 The prospective adoptive parents are residing at Santacruz, Mumbai. They are aged about 41 and 38 years respectively, and have been married for past nine years with no biological child. The Motivation letter, infertility treatment report, 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 certifies the case as Non Reactive.

5 The prospective adoptive father is working as a Divisional Manager-Product Engineering and Development with Raychem RPG (P) Ltd., Palgarh, Maharashtra whilst the adoptive mother is working as a Senior Country Portfolio Manager with Pfizer Products India Pvt. Ltd, Bandra, Mumbai. 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. The report also considers that the adoptive mother being the only child of her surviving parent, namely, her mother, who is a retired professional of 71 years and in good health, a responsible family member is available to share the responsibility of rearing the minor child. 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 father, 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. The report states that the child has a small Atrial Septal Defect (Congenital Heart Disease); her mental milestones are normal for age. The report indicates the child to be a normal, healthy infant and the Atrial Septal Defect (which requires a follow-up) should close in due course. The HIV report of the child is 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 24 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 Fifty Thousand 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.)