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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INDIAN ADOPTION PETITION NO. 4 OF 2018
WITH
JUDGE'S ORDER NO. 8 OF 2018**

Philip Fernandes	...Applicant
<i>Versus</i>	
Karen Victoria Fernandes	...Minor

Mr Rakesh Kapoor, *for the Applicant.*
Mr O Hareendran, *Scrutiny Officer, ICSW, is present.*

CORAM: G.S. PATEL, J
DATED: 17th January 2018

PC:-

1. This is an unusual case. The person proposed in adoption is no longer a minor. Her name is Karen. She was born on 15th October 1995 and, as a minor, was an inmate of the Missionaries of Charity. The MoC proposed her in guardianship to the petitioner, Philip Fernandes vide Indian Guardianship Petition No. 82 of 1996. There is a guardianship order dated 20th February 2007 on record. This Adoption Petition was then filed, albeit late. Karen attained the age of majority in October 2016.

2. The petitioner was married to one Bella. They were married on 11th October 1987 and they had no children of their own. Bella

died in March 2014 of cancer. Her death certificate is on record. Philip is about 68 years old and is in reasonable physical and mental health. Karen's own medical report is in order. The petitioners have taken a policy in HDFC Life with an assured sum of Rs. 10 lakhs and a LIC Jeevan Kishor with profits assured sum of Rs 1 lakh in Karen's name. The home study and follow up reports are in order.

3. Karen herself has graduated from St Andrews' College in Bandra. She has worked for a year with Axis Bank. She is happy with her current state of affairs and looking to settle down soon.

4. Mr Kapoor on behalf of the petitioner submits that as an exceptional case the present petition may be allowed as this is clearly in Karen's interest. For the proper completion of her personal records, this Petition ought to be allowed so that her parentage via guardianship is not put into question at any stage. I agree with Mr Kapoor that the adoption should be permitted to her surviving guardian, Philip Fernandes. In fact, I believe it should be ordered to date back at least to the date of the order of guardianship, 20th February 2007. So ordered.

5. There will be no question of requiring a further investment in Karen's name.

6. The Petition is made absolute in these terms. The Judge's order is signed separately, but will be read with the foregoing clarification as to the date of effect.

(G. S. PATEL, J)