

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INDIAN ADOPTION PETITION NO. 46 OF 2018
WITH
JUDGE'S ORDER NO. 100 OF 2018**

MSWC Asha Sadar Balgruh	...Petitioner
<i>And</i>	
Ventakesh KB and Nayana B Pattihal	...Respondents

Ms Dipal Sanjanwala Mehta, for the Petitioner.
Mr O Hareendran, Scrutiny Officer, ICSW, is present.

CORAM: G.S. PATEL, J
DATED: 2nd May 2018

PC:-

1. This is an extremely unfortunate case. The Petition initially proposed the adoption of a female minor, Pooja alias Vaishnavi KV. She was born on 14th June 2014. In just little over a month she will have completed her fourth birthday.

2. The adoptive parents are from Karnataka. They are 50 and 45 years respectively. After the Petition was filed, Pooja was released into their pre-adoptive foster care on 18th April 2018. Ms Mehta, who is accompanied by Ms Jayalakshmy K, Superintendent of MSWC Asha Sadan Balgruh, both state that in the short time they

have had together, Pooja has gone extremely attached to the adoptive father Venkatesh.

3. For reasons that are set out in an Affidavit by Jayalakshmy K dated 27th April 2018, the adoptive parents have declined to proceed with the adoption. They say that this is because Pooja has a speech impediment and requires speech therapy. The Affidavit by Jayalakshmy K of 27th April 2018 is taken on record. Ms Jayalakshmy also states that Pooja will require speech therapy which will be arranged in house by Asha Sadan Balgruh.

4. In the meantime, in my view, it is imperative that Pooja be afforded priority in the adoption list both for Indian and Foreign Adoption. CARA is, therefore, requested to give Pooja the maximum possible priority. Any future adoptive parents will, of course, need to be made fully aware of this existing medical condition and will have to undertake to provide the necessary speech therapy.

5. As regard to these two proposed adopters, their conduct requires further directions. This is for the reason that I do not wish to see an another situation of this kind at the hands or instance of these two parents. Hence, should these two prospective adoptive parents seek to take any other child in adoption, that child will not be released in to their pre-adoptive foster care without a specific order of this Court.

6. A copy of this order is also to be forwarded to CARA. I have made this direction specifically to protect the emotional welfare of any future child who may be taken for adoption.

7. Ms Mehta seeks leave to withdraw the Petition. It is dismissed as withdrawn. In view of this, the Judge's Order is infructuous and is disposed of accordingly.

8. The original documents filed with the Petition are to be returned upon these being substituted with an authenticated photocopies by the Advocate for the Petitioner.

(G. S. PATEL, J)