

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
FOREIGN ADOPTION PETITION NO. 23 OF 2018
WITH
JUDGE'S ORDER NO. 129 OF 2018

MSWC, Asha Sadan

...Petitioner

Versus

Juan Garcia Montes and Krishma Chugani
Nankani

...Proposed
Adoptive Parents

Smt Lalita Jaya, for the Petitioner.

Mr O Hareendran, Scrutiny Officer, ICSW, is present.

CORAM: G.S. PATEL, J

DATED: 5th July 2018

PC:-

1. Heard.

2. The Foreign Adoption Petition proposes adoption of a male minor, Shreeram. He was born on 21st August 2016. The authorities at the JJ Marg Police Station, Mumbai took charge of him at the JJ Hospital Byculla on 2nd February 2017. They produced him before the Child Welfare Committee on that day. Custody was given to the MSWC Asha Sadan by an order of the CWC passed on that date. The minor was in hospital from 21st August 2016, i.e. from birth to

2nd February 2017 when he was taken into custody. His biological mother had tested positive for HIV. She died on 23rd August 2016.

3. By an order dated 7th August 2017, the CWC issued a certificate declaring Shreeram free for adoption. A newspaper publication was also done and police statements were recorded. There is an undertaking and Affidavit by the authorized representative of Asha Sadan on record. The CARA has issued its no objection certificate.

4. The adoptive parents are from Spain. Both hold OCI cards. The second Petitioner is of Indian origin. They live in Madrid. They are 44 and 36 years old respectively. They have been married for 10 years but have no children of their own.

5. The medical report for Shreeram obtained on 26th April 2016 says that he was premature baby. His development is somewhat below the norm. He has small motor issues and requires continued physiotherapy. He is HIV-free. The adoptive parents have countersigned the report. Their own health reports are positive.

6. The adoptive father is a co-owner of a company with an annual remuneration of Euro 75,000 and a monthly salary of Euro 3,500. The mother works as a fashion designer with a monthly net salary of Euro 1,380. Their financial and tax documents are on record.

7. As to the Child Care Arrangement Plan, the adoptive mother says that she will take full day care, availing maternity leave available under the Spanish Law. Then she will be helped by relatives. There is also child security letter from the proposed father's sister and brother-in-law.

8. I have seen the Home Study Report. It is entirely positive. It recommends the adoption. The other documents required are also in order.

9. I have also seen the scrutiny report presented by Mr O Hareendran, Scrutiny Officer of the Indian Council of Social Welfare which is on record.

10. Having regard to these circumstances, I will allow the Petition. The Judge's Order is signed separately.

11. The Registry will get the Petition with all its annexures and all orders, including the signed Judge's Order, scanned. These digital copies are to be preserved. A soft copy may be given to the Advocate for the Petitioner free of cost on a pen drive provided by the Advocate for the Petitioner for the same. The Registry will ensure that the scan of the Judge's Order is a properly calibrated colour scan.

(G. S. PATEL, J)