

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INDIAN ADOPTION PETITION NO. 82 OF 2018
WITH
JUDGE'S ORDER NO. 191 OF 2018**

Yusuf Siraj Nishanwala And Sherebanu Yusuf Nishanwala	...Petitioners
<i>And</i>	
Insiyah Yusuf Nishanwala	...Minor

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

CORAM: G.S. PATEL, J
DATED: 26th September 2018

PC:-

1. The Indian Adoption Petition proposes the adoption of a female minor, Insiyah. She was born on 14th August 2016. The minor's biological father is the younger brother of the 1st Petitioner. The biological parents handed over their daughter to the Petitioners soon after her birth. The Petitioners then filed Guardianship Petition No. 12 of 2017 on 16th March 2017 and that was allowed by Judge's order dated 29th March 2017.

2. Following the judgment of FI Rebello J in *In Re: Manuel Theodore D'souza*¹ and my own order in *Mayur Gopal Salian & Anr*² this petition was filed within two years, but one year after, the Guardianship order. In that order, I have held that the two-year period required by the order in *Re: Manuel Theodore D'Souza* is not inflexible. I held that increasingly there is urgency in obtaining orders of adoption especially in regard to a minor's education, investment, etc. There is sufficient reason set out in this petition to accelerate the time frame. Insiyah is now over two years old, and she will need a formal adoption order for various purposes for her own well-being and growth. She has also been with the adoptive parents virtually from birth.

3. The proposed adoptive parents are Indian Nationals and temporarily reside at Crawford Market, Mumbai. They are 44 and 37 years old. They have been married for 13 years and have no biological children of their own.

4. The medical reports of the child are on record. The report states that the minor is mentally and physically fit. All her development milestones are appropriate for her age. The health report of the adoptive parents and the minor show no abnormalities.

5. The adoptive father is a Manager-Finance and Accounts in Dubai Sports City, Dubai. His monthly salary (inclusive of all allowances) is AED 33,984/-. The adoptive mother is a housewife. The financial documents are in order.

1 (2000) 3 Bom CR 244.

2 (2018) SCC OnLine Bom 681.

6. The Home Study report with the social worker is positive and recommends the adoption. It shows that the couple is having strong and stable marital life. There is an updated home study report of 1st September 2018, which is also positive and states that the minor has adjusted well to her surroundings in the Middle East and was very comfortable around her biological parents in India as well .

7. The investment has already been fixed by the Judge's order dated 29th March 2017 at Rs. 1,98,020/- in the name of the minor in a LIC's Single Premium Endowment Plan with profits.

8. The documents being in order, I will allow the Petition. The Judge's Order is separately signed.

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

10. 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)