

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
FOREIGN ADOPTION PETITION NO. 35 OF 2018  
WITH  
JUDGE'S ORDER NO. 192 OF 2018**

|                                     |                         |
|-------------------------------------|-------------------------|
| Adharashram                         | ...Petitioner           |
| <i>Versus</i>                       |                         |
| Gianluca Tomassini and Elisa Aureli | ...Proposed<br>Adopters |

---

**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 Foreign Adoption Petition proposes the adoption of a male minor, Akshay. He was born on 19th November 2016. He was found and taken charge of by the Pimpalegaon Police Station, Nashik on 19th December 2016. The police made inquiries in the nearby area but Akshay's parents could not be traced and, therefore, the police placed him in the safe custody of the Petitioner institution, Adharashram, Nashik on the same day.
  
2. The Child Welfare Committee, Nashik has, after following necessary procedures, declared the child legally free for adoption.

3. The undertaking / Affidavit of the Petitioner and the No Objection Certificate of CARA are on record.

4. The undertaking by the Authorised Foreign Adoption Agency, I Bambini dell'Arcobaleno-Bambarco Onlus, Italy, is on record.

5. The proposed adoptive parents are from Italy. They live in Macerata. They are both about 36 years old. They have been married for the last 14 years. They have three biological sons of their own. These children have accepted the adoption and welcome the child to the family. Their notes and drawings are on record.

6. The medical reports of the child are on record. The Medical Examination Report of the minor states that the MRI shows mild crowding of the posterior fossa structures with effacement of the IV ventricle. In view of the child's prematurity, neonatal course and global developmental delay, the child requires special care, developmental stimulation and physiotherapy. A reassessment report of 23rd April 2018 states that Akshay has shown some improvement, but continues to have a borderline global development delay. The adoptive parents have countersigned these reports. The medical report of the adoptive parents do not show any abnormalities or any adverse condition. The HIV reports for all are negative.

7. The adoptive father is an Office worker at Studio Francioni-Fabiani with a gross income of Euro 21,087.07. The adoptive

mother is also an Office worker at the Company Studio Francioni-Fabiani with a gross income of Euro 15,225/-. The other financial documents are on record. There is also a child care plan that is satisfactory.

8. The home study report says that the adoptive parents are capable of providing the child with a safe, stable and nurturing environment. It recommends the adoption. The other documents are in order.

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

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)**

**Note:** This order is modified as per the order dated 31st October 2018 passed on a praecipe for speaking to the minutes. The correction is shown in bold and italics.