

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO. 59 OF 2017
WITH
JUDGE'S ORDER NO.259 OF 2017**

Holy Cross Home For Babies, Amravati ... Petitioner

vs.

1. Ravikiran Abraham Barigala and

2. Marguerite Rochelle Barigala ... Proposed Adopters

Mr. Rakesh Kapoor, Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare,
present.

CORAM : S.C. GUPTE, J.

DATED: 17 JANUARY, 2018

P.C. :

. Heard Mr. Rakesh Kapoor, learned Counsel for the Petitioner and Mr.O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (ICSW).

2. The Petitioner is the custodian of a male minor Mahesh. This petition proposes adoption of the said child. The minor was born on 18 April 2016 and relinquished by the biological mother before Child Welfare Committee, Amravati on 25 April 2016 and the safe custody of the child was given to Ish Daya Shishu Bhavan, Missionaries of Charity, Amravati. Pursuant thereto, the child was admitted to the Petitioner institution Holy Cross Home For Babies, Amravati on 9 November 2016 as per the order of Child

Welfare Committee, Amravati under the provisions of Juvenile Justice Act, 2015.

3 The Child Welfare Committee, Amravati on 29 May 2017, after considering the inquiry report submitted by the Social Worker and Deed of Surrender by the biological parent and declaration of the Adoption Agency, has certified the child to be legally free for adoption under Juvenile Justice (Care and Protection of Children) Act, 2015. The Undertaking and Free for Adoption Order declaring the child legally free for adoption are placed on record

4 The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 3 October 2017, as per the applicable Adoption Regulations 2017. The relevant undertaking/affidavit is placed on record.

5 The proposed adopters are American Nationals of Indian origin (OCI Card holders) residing at Secunderabad, Telangana, India aged about 41 and 39 years respectively. They are married for the past 13 years with two biological daughters. The birth certificates, Consent reports, Passport copies of the adopters and O.C.I. Certificates are placed on record. Also placed on record are the Health Reports of the proposed adopters, which shows sound physical and mental condition. The proposed adoptive father is a Doctor working as a Senior Consultant in Infectious Diseases with Apollo Hospitals, Hyderabad and the proposed adoptive mother is a Housewife. Their respective income, financial condition and property statements of the proposed adoptive parents which show their capacity to take care of the minor proposed for adoption have been placed on record.

6 The home study report, containing self-assessment in part I and assessment of the Social Worker in part II by “District Welfare Officer & Protection Officer, Women, Children, Disabled & Senior Citizen Department, Hyderabad is placed on record. The report goes into various particulars such as the family background information, attitude of the prospective adoptive parents towards the proposed adoption, their background, psycho-social assessment, financial position, the description of their home and neighbourhood, their marital relationship and various other considerations from the point of parenting of the adopted child as also their preparation and training for such adoption.

7 The Certificate from Embassy of the United States of America, Consular Section, New Delhi is placed on record. The Police Verification Certificate which states that there are no criminal proceedings pending against the proposed adopters is placed on record. The child security undertaking by the close friends of the Proposed Adopters to look after the minor in case of any unforeseen mishap to the Proposed Adopters is also placed on record.

8 The medical examination report of the minor indicates normal physical and mental development. The H.I.V report of the proposed minor certifies the case as Non Reactive. The proposed adoptive parents have perused and countersigned the report, and issued their acceptance of the minor in adoption after such perusal. The adoptive parents have also furnished an undertaking to take care of the child.

9 The other requisite compliances are found in order. The Name

Change Statement and undertaking by the Proposed Adopters are placed on record. The undertaking for post placement follow up reports from Sishuvihar, Hyderabad, General Power of Attorney of the proposed Adopter in favour of the Petitioner Institution and recognition of the Indian Placement Agency are all placed on record.

10 The scrutiny report submitted by the ICSW, through Mr.O. Hareendran, Scrutiny Officer, dated 21 November, 2017 is taken on record.

11 In view of the foregoing circumstances, and considering the compliances noted above, this Court is of the view that the petition should be allowed.

12 The petition is, accordingly, allowed in terms of prayer clauses (a), (b) and (c). A Judge's Order in this behalf is signed to that effect.

(S.C. GUPTE, J.)