

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

FOREIGN ADOPTION PETITION NO.40 OF 2018

Laxmi @ Ella Marie....Minor

SWTI, Bal Vikas Shishu Bhavan
And

)....Petitioner

Stephen Zammit & Anr.

)....Proposed Adopters

Smt.Lalita Jaya Raj for petitioner.

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

CORAM : K.R.SHRIRAM,J

DATE : 5.12.2018

P.C.:-

1. This petition is for the adoption of a female minor child Laxmi (now being called Ella Marie) born on 1.7.2016 by two Maltese Nationals residing at Malta. Laxmi was found abandoned by Bandra Railway Police station on 7.12.2018 and admitted to petitioner's institution Bal Vikas Shishu Bhavan on the same day. Laxmi was produced before the Child Welfare Committee on 8.12.2017 and her custody was given to petitioner vide order dated 8.12.2017 under section 36(1) of the Juvenile Justice (Care & Protection of Children) Act, 2015 (the said Act) and Rule 18(4) of the Model Juvenile Justice Rules, 2016. The Child Welfare Committee by an order dated 25.5.2018 after making inquiry under Section 38 of the said Act has declared Laxmi to be legally free for adoption.

2. I have perused the free for adoption certificate dated 25.5.2018. The undertakings given by petitioner is also on record.

3. I have considered the petition, annexures thereto and the report from the Scrutiny officer of the Indian Council of Social Welfare (ICSW) dated 30.11.2018. In the representation, it was noted that there is nothing adverse in allowing the adoption of Laxmi. However, the proof of disability benefit and Doctor's certificate of the proposed adoptive father Mr.Stephen Zammit is not on record. Advocate for petitioner makes good this deficiency by tendering a compilation of documents to which is annexed an email dated 29.11.2018 from the sponsoring agency in Malta. Copy of the certificate from Dr.Francis Fenech dated 29.11.2018 and a self affidavit sworn on 29.11.2018 of the Stephen Zammit duly notarized.

4. The report of the ICSW and the compilation of documents are taken on record and marked "X" and "X-1", (colly), respectively, for identification.

5. The prospective adoptive parents are aged about 49 (father) and 45 (mother), respectively. They have been married for last 9 years with no biological children or adopted children. Their

health reports are also stated to be in order. The adoptive father is working as an Office Administrator with the gross monthly income of € 760.54. He is also stated to be earning of € 5775.31 per annum as disability benefit from Maltese Government. The prospective adoptive mother is working as machine operator and her monthly salary is € 536.65. It is stated in the Home Study Report that the prospective adoptive parents have all qualities to bring up Laxmi in the best way possible. I find nothing adverse in the Home Study Report. The Home Study Report is positive so also medical report. Medical examination of Laxmi is provided to her prospective parents and they have countersigned the report.

6. In view of this, petition is allowed and Judge's order is signed separately.

(K.R.SHRIRAM,J)