

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

IN ITS GENERAL & INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO.41 OF 2018

In the matter of the Juvenile Justice
(Care and Protection of Children) Act,
2015 (2 of 2016)

And

In the matter of the Adoption of male
minor Jamal Etienne Paul Fortin

Bal Asha Trust

)....Petitioner

V/s.

Jean-Noel Marie Eugene Fortin and)

Florence Pascale Catherine Gerard Fortin)....Proposed Adopters

Mr.Rakesh Kapoor for petitioner.

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

CORAM : K.R.SHRIRAM,J

DATE : 5.12.2018

P.C.:-

1. This petition proposes adoption of one male minor Jamal Arif Shaikh (now called Jamal Etienne Paul Fortin) born on 30.7.2010 by two French Nationals residing in Parigny Sur Braye, Montrieux, France. Jamal was found abandoned by Hamara Foundation, Railway Child Line, Mumbai Central Railway station on 8.6.2016 and admitted on the same day in New Observation Home, Mankhurd. Jamal was thereafter transferred to petitioner's institution Bal Asha Trust, Mumbai on 26.7.2017 as per the Safe Custody Memo of Child

Welfare Committee, Mumbai City II dated 26.7.2017 under section 36(i) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (the said Act) and Rule 18 (4) of the Model Juvenile Justice Rules, 2016.

2. The Child Welfare Committee, Mumbai City II declared Jamal as legally free for adoption by an order dated 22.3.2018 after making due inquiries under Section 38 of the said Act.

3. I have considered the petition, annexures thereto and the report of the Scrutiny Officer of Indian Council of Social Welfare (ICSW). In the report it is noted that the proposed adopters' medical/fitness certificate, latest employment and tax certificate and child care arrangement/plan/declaration need to be submitted to the Court. Mr.Kapoor tenders a praecipe dated 27.11.2018 addressed to the Prothonotary & Senior Master enclosing therewith a photo copy of child care plan, copy of the 1st proposed adopter's income certificate and also the 2nd proposed adopter's income tax reports. This compilation of 25 pages is taken on record and marked 'X' (colly) for identification. Mr.Kapoor states that the proposed adopter's medical/fitness certificate which is in French language is received this morning and undertakes to file English translation thereon within two

days from today. The documents in French are taken on record and marked "X-1" colly (2 pages). The undertaking to provide English translation is accepted.

4. The report of ICSW is taken on record and marked "X-2" for identification.

5. The adoptive parents are aged 52 (father) and 47 (mother), respectively. They are married for 24 years with no biological children. They do not have any adopted children as well. The health reports appear to be in order as per the certificate at X-2. The adoptive father is working as a Project Manager with Sas Serap Industries since 1990 with a gross annual income of about € 37600. The 2nd prospective adopter is self employed and owns Hair Dressing Parlour and her income appears to be € 16,800 as on 31.3.2018. The home study report is also positive. It is stated that the economic status of adoptive parents is enough even to go on 2 holidays in a year.

6. In the circumstances, petition is allowed and the Judges' Order is signed separately.

(K.R.SHRIRAM,J)