

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

IN ITS GENERAL AND INHERENT JURISDICTION

**JUDGE'S ORDER NO.241 OF 2018
IN
FOREIGN ADOPTION PETITION NO.46 OF 2018**

In the matter of the Juvenile Justice
(Care and Protection of Children) Act,
2015 (No.2 of 2016)

And

In the matter of the Adoption of male
minor Jeraz Khurzand Dordi, residing
Petit Block No.5, 3rd Floor, Balaram
Street, Grand Road (East), Mumbai-
400 007.

Khurzand Dadi Dordi, Indian National and)
Dilshad Khurzand Dordi, Indian National)...Petitioners
V/s.

Delzad Dinyar Pithawalla, Indian National)
and Anr.)...Respondents

Mr.Rakesh Kapoor for petitioners.
Petitioner No.2-D.K.Dordi present in Court.
Respondents are present in court.
Mr.O.Hareendran, Scrutiny officer, ICSW present.

**CORAM : K.R.SHRIRAM,J
DATE : 19.12.2018**

P.C.:-

1 This is a petition for adoption of a **male** minor Jeraz, born
on 27/07/2018. He is the biological son of the Respondents Mr. &
Mrs. Pithawalla. The said minor Jeraz is the third child of the

Respondents as they already have two older children, a daughter aged about 7 years old and a son aged about 2 years, respectively, to look after and now they decided to relinquish the said third child to the Petitioners above-named for his better welfare and well-being. Petitioners and Respondents are close relatives, i.e., the biological Father Mr. Delzad Dinyar Pithawalla is the real brother of the second Petitioner Mrs. Dilshad Khurzand Dordi. The biological parents, i.e., the Respondents herein executed a surrender Affidavit dated 03/12/2018 under Schedule XIX of Adoption Regulations 2017 for the purpose of inter-country Relative Adoption.

2. The Proposed minor Jeraz was born at St. Elizabeth Hospital, D Ward, Mumbai. The Birth Certificate of the proposed minor is on record. As a temporary arrangement, both, Petitioners and Respondents have entered a Foster Care Agreement on 20/08/2018 and Jeraz is in the care and custody with the second Petitioner at Grant Road, Mumbai.

3. There is a Family Background Report dated 23/10/2018 of the Child and the biological parents in cases of inter country Relative Adoptions under Schedule XX1 of Adoption Regulations-2017 by the District Child Protection Officer, Mumbai City.

4. Petitioners who are Indian Nationals presently residing at Dubai, U.A.E. aged about 46 and 45 years respectively, have been married for the past 15 years i.e., on 05/09/2003 with no biological children. There is also Motivation Letters from the Petitioners. Petitioners have also submitted Passport Copies.

5. The health report of Petitioners dated 19/07/2018 states, “No contagious disease or chronic illness. Their HIV I & II and HBsAg test reports are Non Reactive”.

6. The Prospective Adoptive Father is working as a Purchase & Forecast Planner with SAJ Emirates Trading LLC, Dubai, UAE since 26/02/1997 and his monthly gross salary is AED 16,000. The Second Petitioner is a Homemaker.

7. Petitioners have submitted their Bank References, Insurance Certificates, Copy of Aadhar Card and Proof of Property and home study report Part I : Self Assessment by the Prospective Adoptive Parents.

8 The home study report part II: Assessment report of the Social Worker Mrs. Omana Balagopal Menon, Dubai, U.A.E. (Home visit done on 01/08/2018) states, “The prospective adoptive parents have found them to be motivated for adoption. They come across as a pleasant couple with lots of respect and love for each other. Bases on the submitted documents they are financially sound, possess a good personal and professional background, which is very important for upbringing of the child and have all the qualities of good parents. After all assessment, the Social Worker recommends them to adopt the child as per their wish”.

9. There is also a Clinical Psychologist & Psychotherapist Intake Details dated 13/07/2018 of the Petitioners. It states “Normal personality profile”.

10. Petitioners have submitted Reference/Recommendation Letters and The Police Clearance Certificates of the Petitioners from the General Department of Criminal Investigation, Dubai.

11. Petitioners have also submitted The child security undertaking dated 02/08/2018 by the brother of the Prospective Adoptive mother residing at Mumbai to look after the proposed minor in case of any

mishap to the Petitioners.

12. The Medical report of the proposed minor dated 24/10/2018 states, "His development is appropriate for his age. His immunization is up to date. He is fit for adoption". HIV report of the proposed minor dated 24/11/2018 certifies the case as "Non-Reactive". There is an undertaking dated 23/09/2018 by the Authorized Foreign Adoption Agency "Mrs. Omana Menon" Dubai, U.A.E. and The General Power of Attorney duly signed by the 1st Petitioner in favour of the 2nd Petitioner.

13. I have considered the petition, annexures thereto and the report of the Scrutiny officer of Indian Council of Social Welfare (ICSW) dated 8.12.2018 which is taken on record and marked "X" for identification.

14. Documents being in order, Petition allowed. Judge's order signed separately.

(K.R.SHRIRAM,J)