

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO.2 OF 2019
WITH
JUDGE'S ORDER NO.2 OF 2019**

In the matter of the Juvenile Justice (Care and Protection of Children) Act, 2015 (as Amended) and the Juvenile Justice (Care and Protection of Children) Rules 2017 and in the matter of Section 58(3) of the said Act,

AND

In the matter of adoption of a male minor Rajveer @ Smeet Mahendra Shyamkul, a resident of M.S.W.C. Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai – 400 009.

M.S.W.C. Asha Sadan Balgruh)....Petitioner/Applicant

V/s.

Mahendra Manohar Shyamkul and
Tikshya Mahendra Shyamkul)....Proposed Adopters

Ms. Dipal S. Mehta for petitioner.
Mr. O. Hareendran, Scrutiny Officer of ICSW present.

**CORAM : K.R.SHRIRAM, J.
DATE : 16th JANUARY 2019**

P.C.:

1 This is a petition for adoption of male minor Rajveer born on or about 10th May 2018 who was found abandoned by Bandra Police Station, Mumbai on 12th May 2018 and admitted to petitioner institution Asha Sadan on the same day for care and protection. The said minor was then produced

before Child Welfare Committee, Mumbai City II on 14th May 2018 under section 36 (1) of Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 18 (4) of the Model J. J. Rule, 2016 and the safe custody was continued with Asha Sadan vide safe custody memo dated 14th May 2018. The Safe Custody Memo is on record. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Mumbai City I declared the proposed minor Rajveer “Legally Free for Adoption” as on 9th August 2018. The Free for adoption Certificate is on record.

2 I have considered the petition, annexures thereto and the report dated 14th January 2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked “X” for identification.

3 In the representation it is noted that the proposed adopters are residing at Nagpur aged about 49 and 42 years, respectively. They have been married for the past 14 years (16th May 2004) with no biological children. Photograph of the adoptive family is on record. The Motivation Letter from the proposed adopters is on record. The Decision of Adoption Committee dated 30th November 2018 is on record. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record. The Health report of the prospective adoptive parents dated 7th December

2018 is on record and it states “The health of the parents does not disqualify them in parenting a child in anyway”. Their HIV I & II and Hepatitis B test reports certifies the case as Non-reactive.

4 The prospective adoptive father is working as a Principal with Mohammad Ali College of Education (B.Ed), Nagpur and his monthly (November-2018) gross salary is Rs.30,000/-. His Salary Slips and Form No. 16 are on record. The prospective adoptive mother is working as an Assistant Professor with Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur and her monthly (November-2018) gross salary is Rs.74,218/-. Her Salary Slips and Indian Income Tax Return Verification Forms are on record. The Proof of Residence/Property and supportive financial documents are on record. Child Care Arrangement plan undertaking is on record.

5 The home study report Part-I : Self Assessment by the Prospective Adoptive Parents is on record. The part-II : Assessment reports of the Social Worker of Aakanksha shishu Kalyan Kendra, Sevagram, Wardha (Home visit done 11th February 2017) is on record and it states “The prospective adoptive parents are educated, responsible and mature couple and share a strong and stable marital relationship. They are financially secured and have good family support. After all the assessment the Social Worker recommends that a female/male child of 0-1 year old can be placed with them”. The child security undertaking dated 15th December

2018 given by the brother and sister-in-law of the prospective adoptive mother residing at Nagpur to look after the proposed minor in case of any mishap to the prospective adoptive parents is on record. Post Card Size Photograph of the minor is on record.

6 Medical Examination report of the proposed minor Rajveer dated 20th September 2018 is on record and it states “A normal, healthy child”. The proposed adopters have countersigned these reports. As regards the change of name, the proposed adopters desire that the minor ‘Rajveer’ be renamed as “Smith Mahendra Shyamkul”. The HIV report of the proposed minor dated 6th September 2018 certifies the case as Non Reactive. Joint Declaration of consent and willingness of the prospective adoptive parents are on record. The Pre-adoption foster care undertaking dated 8th December 2018 is on record. The follow up report undertaking by the authorities of Aakanksha Shishu Kalyan Kendra Sevagram, Sevagram, Wardha is on record. The Specialized Adoption Agency’s (M.S.W.C. Asha Sadan, Mumbai) recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period up to 31st December 2018.

7 The other required documents are also on record. Therefore, I find no impediment in granting the reliefs sought for in the petition.

8 Petition allowed. Judge's order is signed separately.

9 The child has been renamed as “Smeet”. All concerned to note this spelling since in the petition filed the name of the child is misspelled as “Smith”.

(K.R. SHRIRAM, J.)