

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

IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION NO.6 OF 2019

In the matter of Section 61(i), Section
56 and Section 58 of the Juvenile
Justice Act, 2015

And

In the matter of Clause 17 of the
Letters Patent :

And

In the matter of Adoption of female
minor Nilima @ SARA - aged about 2
years 7 months under Section 56 and
58 of the Juvenile Justice (Care and
Protection of Children) Act, 2015.

SWTI, Bal Vikas

)....Petitioners.

And

Shrikant Shrihari Karmarkar &
Mrs. Priti Shrikant Karmarkar

)

).....Proposed Adopters

Smt.Lallita Jaya Raj for petitioners.

[Mr.O.Hareendran, Scrutiny officer present].

Both the proposed adopters are present.

CORAM : K.R.SHRIRAM,J

DATE : 23.1.2019

P.C.:-

1. This is a petition for adoption of a female minor Nilima,
born on 01/06/2016 by the Indian Nationals. The child was found
abandoned by Borivali Railway Police Station on 02/08/2018 and

admitted to the Petitioner institution Bal Vikas Trust for safe Custody on the same day. Thereafter the said minor was produced before the Child Welfare Committee, Mumbai Suburban District on 03/08/2018 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and the child's custody was continued to the said institution as per the order of Child Welfare Committee, Mumbai Suburban District dated 03/08/2018. The admission order dated 3.8.2018 is submitted by the Advocate for petitioners and the same is taken on record and marked 'X' for identification.

2. I have considered the petition, annexures thereto and the report dated 18.1.2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X-1' for identification.

3. 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 Suburban District declared the proposed minor **NILIMA** "Legally Free for Adoption" as on 30/11/2018. Petitioners have filed Free for adoption Certificate.

4. The Proposed Adopters are residing at Powai, Mumbai,

aged about 40 and 39 years, respectively. They have been married for the past 11 years (14/05/2007) with no biological children. Petitioners have filed Motivation Letter, affidavit by the Specialized Adoption Agency (Petitioner) in support of adoption of the proposed minor and Adoption Committee Minutes dated 17/12/2018.

5. The Health Report of the proposed adopters dated 15/12/2018 states “They are physically fit and have no medical health issues”. Their HIV I & II and HBsAg test reports certify the case as Negative.

6. The First Proposed Adopter is working with MTNL, Mumbai as a Section Supervisor (Office) and his monthly gross salary (November-2018) is Rs. 59,632/-. His Pay slips and Form No. 16 are on record. The second Proposed Adopter is working as an Assistant Manager with Cosmos Bank and her monthly gross salary (November-2018) is Rs. 39,611/-. Petitioners have filed her Appointment order, Pay slips, Tax Returns, Form No. 16, Copy of PAN Cards, Statement of Property/Assets, Copy of Aadhar Cards, Child Care Arrangement Letter from the proposed adopters and the Home study report Part 1: Self-assessment by the proposed adopters.

7. Home Study Report Part II: Assessment Report of the Social Worker of Janani Ashish Charitable Trust, Dombivli (Home visit done on 23/05/2017) states “The Prospective Adoptive Parents are healthy, stable and secured financially, physically, psychologically and socially. They are fit to adopt a child. After the assessment of all the facts and observations, the social worker is of the view that the couple would be able to give love, affection, care and education to the child and recommends the Prospective Adoptive parents for adoption of a child”. Petitioners have filed Child Security undertaking dated 27/12/2018 by the Sister and brother-in-law of the Second Proposed Adopter residing at Pune to look after the proposed minor in case of any mishap to the Proposed Adopter and Photograph of the Proposed Adopters and proposed minor.

8. Medical Examination of the proposed minor Omkar dated 12/02/2018 states “Overall Observations about the child: Normal child”. The proposed adopters have countersigned the said report.

9. As regards the change of name, the prospective adoptive parents desire that the minor ‘Nilima’ be renamed as “Sara Shrikant Karmarkar” .

10. The HIV report of the minor dated 17/08/2018 certifies the case as Nonreactive. Petitioners have filed the Declaration of Willingness & Affidavit by the Prospective Adoptive Parents, the Foster Care Affidavit dated 24/12/2018 by the Prospective Adoptive Parents and the undertaking to send follow-up report by the authorities of Janani Ashish Charitable Trust, Dombivli.

11. The Indian Specialized Adoption Agency (Bal Vikas, Mumbai) recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period upto 31.3.2020.

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

13. Petition allowed. Judges' Order is signed separately.

(K.R.SHRIRAM,J)