

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO.5 OF 2019
WITH
JUDGE'S ORDER NO.5 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 female minor Meenakshi @ GUNIKA BHARAT SOMANI – aged about 6 months under Section 58 (3) of J.J. Act, 2015.

St. Catherine's Home

...Petitioner/Applicant

AND

Bharat Radhesham Somani and
Rachana Bharat Somani

...Prospective Adoptive Parents

Mr. Rakesh Kapoor for petitioner.

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

CORAM : K.R.SHRIRAM, J.

DATE : 6th FEBRUARY, 2019

P.C.:

1 This is a petition for adoption of female minor Meenakshi born on 29th July 2018. The biological mother surrendered the child before Child Welfare Committee, Mumbai Suburban District (CWC) on 10th August 2018 and the custody was given to petitioner on the same day as per the safe custody order passed by CWC on 10th August 2018 under section 36 (1) of

Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 18 (4) of the Model J.J. Rules 2016. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the CWC declared the minor MEENAKSHI “Legally Free for Adoption” as on 23rd October 2018. The Free for adoption order is on record.

2 I have considered the petition, annexures thereto and the report dated 31st December 2018 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked “X” for identification.

3 In the report it is noted that the proposed adopters are residing at Gangapur, Aurangabad aged about 33 and 31 years, respectively, They have been married for the past 9 years (9th March 2009) with no biological children. Motivation letter from the prospective adoptive parents is on record. The Decision dated 14th November 2018 of Adoption Committee is on record. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is on record. The medical reports of the prospective adoptive parents dated 23rd November 2018 are on record and it states “No abnormality detected”. Their HIV I & II and HbsAg test reports certifies the case as Negative.

4 The prospective adoptive father is self employed – Proprietor of Two Cutlery Shop “New Kamdhenu General Stores” & “Kamdhenu General

Stores” at Gangapur and his income for the Assessment Year 2018-19 is Rs.2,48,751. His income certificate and Tax Returns for the Assessment Year 2018-19, 2017-18 and 2016-17 are on record. His wife is a homemaker. A copy of PAN and Aadhar Cards, proof of residence and supportive financial documents are on record.

5 The home study report Part I : Self Assessment by the prospective adoptive parents is on record. The Part II : Assessment report of the Social Worker of SAKAR, Aurangabad (Home visit done on 8th April 2017) is on record and it states, “The prospective adoptive parents are loving, affectionate and hard working couple. They have successfully completed 8 years stable happy marital life. They have good relationship and communication with each other and also with relatives and friends. After all assessment the Social Worker recommends that a female child between up to one year can be placed with them”. The Guardianship undertaking dated 7th December 2018 by the brother and sister-in-law of the prospective adoptive father residing at Gangapur, Aurangabad to look after the proposed minor in case of any mishap to the prospective adoptive parents is on record.

6 Medical Examination report dated 29th October 2018 of Meenakshi is on record and it states “No abnormalities. She is an active child”. The proposed adopters have countersigned the said report. As regards the change of name, the prospective adoptive parents desire that the

minor 'MEENAKSHI' be renamed as "Gunika Bharat Somani" (Pg. 99). The HIV report of the proposed minor dated 19th August 2018 certifies the case as Negative. Post Card Size Photograph of the minor is on record. Joint consent, willingness and undertaking by the prospective adoptive parents are on record. The Pre-adoption foster care undertaking dated 7th December 2018 is on record. The undertaking to send follow up report by the authorities of St. Catherine's Home, Andheri, Mumbai is on record.

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.

(K.R. SHRIRAM, J.)