

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO.2 OF 2019
WITH
JUDGE'S ORDER NO.7 OF 2019**

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

AND

In the matter of Clause 17 of the
Letters Patent;

AND

In the matter of the adoption of male
minor Akash @ Aakash Parthiv Bhuta,
an inmate of Holy Cross Home For
Babies, Amravati (Camp) – 444 602,
Maharashtra State.

Holy Cross Home For Babies

)....Petitioner/Applicant

V/s.

Parthiv Bipin Bhuta and

Aanal Bhuta

)....Proposed Adopters

Mr. Rakesh Kapoor 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 Akash born on
6th February 2017. The biological mother surrendered her child before the
Child Welfare Committee, Amravati on 10th February 2017 and the safe
custody was given to Ish Daya Shishu Bhavan, Missionaries of Charity,

Amravati as per the order of Child Welfare Committee, Amravati. The said minor was thereafter transferred to petitioner institution Holy Cross Home For Babies, Amravati on 31st March 2017 as per the order of Child Welfare Committee, Amravati under the provisions of Juvenile Justice (Care and Protection of Children) Act for further rehabilitation. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Amravati declared the proposed minor AKASH “Legally Free for Adoption” as on 4th September 2017. The Free for adoption Certificate is on record. The undertaking affidavit by petitioner Institution Holy Cross Home For Babies, Amravati is on record. The No Objection Certificate issued by the Central Adoption Resource Authority (CARA), New Delhi on 12th October 2018 as per Adoption Regulations, 2017 and Article 17 (c) of the Hague Convention on the Protection of Children and Cooperation in respect of inter country adoption 1993 is also on record.

2 I have considered the petition, annexures thereto and the report dated 24th 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 representation it is noted that the proposed adopters are Indian origin American Nationals (2nd proposed adopter is an OCI card

holder) both residing at Texas, U.S.A. aged about 37 and 35 years respectively. They have been married for the past 8 years (16th July 2010) with no biological children.

4 The copies of the passport of the proposed adopters and OCI Certificate of 2nd proposed adopter are on record. The health reports dated 26th June 2018 of the proposed adopters state “They are in good health and free of communicable disease and also not observed any grave chronic or contagious diseases such as AIDS, HIV, Tuberculosis or other life-threatening diseases.

5 The prospective adoptive father is working as a Director of Technology with EPMP Architects Inc. since March 2012 and his current annual salary is \$ 120,000. His wife is working as a Business Service Center Payroll supervisor with Reliance Steel & Aluminum Co. since 21st May 2018 and her annual gross salary is \$ 72,000. The prospective adoptive parents' Tax Returns for the year 2015, 2016 and 2017 are on record. Bank references and proof of residence is on record. Childcare arrangement plan letter from the proposed adopters is on record.

6 The home study report dated 24th January 2018 by the authorities of “International Family Services”, U.S.A. is on record and it states “Mr. & Mrs. Bhuta have a strong and supportive marriage, and are realistic, responsible and stable individuals of good character that care

deeply about each other. They demonstrate good judgment and can offer a secure and nurturing environment in which a child can grow and develop. They also have the support of their family and friends. After all the assessment and observation the Agency approves and recommends Mr. & Mrs. Bhuta to adopt a male or female child from the age of 0-2 years of age at the time of referral from India”. The confidential psychological evaluation Reports dated 24th January 2018 of the proposed adopters are also on record and it states both spouses to be mentally and emotionally suitable to pursue international adoption at this time. The Approval Notice dated 6th April 2018 from U.S. Citizenship and Immigration Services and “Article 5” Letter dated 2nd August 2018 from the Embassy of the United State of America, Washington, D.C. is on record. The H.I.V. report dated 6th August 2018 of the proposed minor certifies the case as Negative. The Post Card size photograph of the minor is on record.

7 The Medical Examination Report of the proposed minor dated 26th February 2018 states “Overall observation of the child : Mental and social age 8-10 months. Physical milestones appear to be normal for his age”. The proposed adopters have countersigned this report. As regards the change of name, the proposed adopter desire that the minor ‘Akash’ be renamed as “Aakash Parthiv Bhuta”. The undertakings dated 15th May 2018 by the Authorized Foreign Adoption Agency “International Adoption Net”, U.S.A. is on record. The Copy of Special Power of Attorney duly signed by

the proposed adopters in favour of petitioner institution is on record. The Specialized Adoption Agency's (Holy Cross Home For Babies, Amravati) recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period up to 10th June 2019.

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

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

(K.R. SHRIRAM, J.)