

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO.10 OF 2019
WITH
JUDGE'S ORDER NO.26 OF 2019**

In the matter of 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 male
minor Punit @ KISHAN - aged about 5
months under Section 58 (3) of J.J.
Act, 2015

St. Catherine's Home

...Petitioner/Applicant

AND

Jitmal Shrikisandas Rath and
Sapna Jitmal Rath

...Prospective Adoptive Parents.

Mr. Rakesh Kapoor for petitioner.

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

CORAM : K.R.SHRIRAM, J.

DATE : 13th FEBRUARY 2019

P.C.:

1 This is a petition for adoption of male minor Punit born on
27/08/2018. The biological mother surrendered her child before Child
Welfare Committee, Mumbai Suburban District (CWC) on 11/09/2018. The
custody was given to applicant institution St. Catherine's Home, Mumbai on
the same day as per the order of safe custody dated 11/09/2018 passed by
the said CWC 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 proposed minor Punit “Legally Free for Adoption” as on 12/11/2018.

2 I have considered the petition, annexures thereto and the report dated 30th January 2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked “X” for identification.

3 The Free for adoption order is on record. In the submitted Free for adoption order, the date of relinquishment done before the Committee was mentioned as 11/11/2018 instead of 11/09/2018. The Committee has, therefore, submitted a fresh order dated 12th November 2018 giving the correct date and the same is taken on record and marked “X-1” for identification.

4 In the representation it is noted that the proposed adopters are residing at Amravati, Maharashtra aged about 48 and 38 years, respectively. They have been married for the past 12 years (24/01/2007) with no biological children. Family Photograph is on record. Motivation Letter from the Prospective Adoptive Parents is on record. The Decision of Adoption Committee dated 14/12/2018 is on record. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is on record.

5 The Medical reports of the prospective adoptive parents dated 18/12/2018 are on record and the Remarks of Physician is Blank. Mr. Kapoor tenders two medical reports, both dated 18th February 2018 of the adoptive parents issued by one Dr. Ashish Mashankar of Amravati stating that the adoptive parents are fit for adoption. Both the reports are taken on record and marked “X-2 Collectively” for identification. Their HIV I & II and HbsAg test reports certifies the case as Non Reactive.

6 The Prospective Adoptive Father is self-employed and the Proprietor of Gwalior Fashion (Readymade Cloth Shop) at Amravati and his income for the Assessment year 2018-19 is Rs.6,78,205/-. His Income Affidavit and Tax Returns for the Assessment years 2016-17, 2017-18 and 2018-19 is on record. The Prospective Adoptive mother is a Housewife. Copy of PAN cards, Adhar Cards and Bank/LIC certificate are on record.

7 The home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record. The Part II: Assessment report by the Social Worker of Holy Cross Home For Babies, Amravati (Home visit done on 02/08/2017) is on record and it states, “The prospective adoptive parents are educated and well settled. They are financially stable and having good family support. Physically and mentally, they are capable to take care of an adopted child. After all assessment the Assessor recommends a minor child can be placed with them”. The Guardianship undertaking dated

27/12/2018 by the Elder brother and sister-in-law of the prospective adoptive father residing at Amravati, Maharashtra to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents is on record.

8 Medical Examination of the proposed minor Punit dated 30/11/2018 is on record and it states “No abnormalities. He 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 ‘Punit’ be renamed as “Kishan Jitmal Rathi”. The HIV report of the proposed minor dated 04/11/2018 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 03/01/2019 is on record. The undertaking to send follow up report by the authorities of St. Catherine’s Home, Mumbai is on record.

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

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

(K.R. SHRIRAM, J.)