

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO.8 OF 2019
WITH
JUDGE'S ORDER NO.15 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 male minor Kartik @ SAMIK - aged about 4 months under Section 58 (3) of J.J. Act, 2015.

St. Catherine's Home

AND

Deepesh Thakorlal Tailor and
Jagruti Deepesh Tailor

...Petitioner/Applicant

...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 male minor Kartik born on 22nd September 2018. The biological mother surrendered her child before Child Welfare Committee, Mumbai Suburban District (CWC) on 24th September 2018 and the custody was given to the Applicant institution St. Catherine's Home, Mumbai on the same day as per the order of safe custody

passed by the CWC on 24th September 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 proposed minor KARTIK “Legally Free for Adoption” as on 26th November 2018. The Free for adoption order is on record.

2 I have considered the petition, annexures thereto and the report dated 18th 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 Nallasopara West, Palghar District aged about 40 and 36 years, respectively. They have been married for the past 15 years (9th December 2003) with no biological children. Motivation letter from the prospective adoptive parents is on record. The Decision of Adoption Committee dated 14th December 2018 is on record. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is on record. The Medical reports dated 18th December 2018 of the prospective adoptive parents are on record and it states “They do not suffer from any chronic disease and fit to adopt a child”. Their HIV I & II and HbsAg test reports certifies the case as Non Reactive.

4 The prospective adoptive father is working as a Sales Executive with Sony Enterprises, Vasai, Dist. Palghar since 1st December 2018 and his monthly salary is Rs 25,000/-. His Salary Certificate and Tax Returns for the Assessment years 2016-17, 2017-18 and 2018-19 is on record. The prospective adoptive mother is working as an Operational Head with Vaibhav Jewellers, Goregaon West, Mumbai and her monthly salary is Rs.18,500/-. Her Salary Certificate and Form No.16 are on record. The proof of residence/property, copy of PAN and Aadhar Cards and LIC certificate 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 District Child Protection Officer, Maharashtra State Child Protection Society, Mumbai Suburban, Mumbai (Home visit done on 5th March 2017) is on record and it states “The prospective adoptive parents seems to share a strong and stable marital relationship. They have positive outlook on adopting a child and also have overall good support from their relatives. After assessment the Assessor recommended the couple fit for adoption of a male child below 2 years old”. The Guardianship undertaking dated 19th December 2018 by the brother and sister-in-law of the prospective adoptive father residing at Virar, Dist. Palghar to look after the minor in case of any mishap to the Prospective Adoptive Parents is on record.

6 Medical Examination of the minor Kartik dated 30th November 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 ‘Kartik’ be renamed as “Samik Deepesh Tailor”. The HIV report of the minor dated 4th November 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 22nd December 2018 and the undertaking to send follow up report by the authorities of St. Catherine’s Home, Mumbai is on record.

7 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.)