

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO.11 OF 2019
WITH
JUDGE'S ORDER NO.24 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 female
minor Sae @ VYOMA PRIYA - aged
about 3½ years under section 58 (3)
of Juvenile Justice Act, 2015

Bal Asha Trust

...Petitioner/Applicant

AND

Thirumalai Balachander &
Sivaramakrishnan Archana

...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 female minor Sae, born on or about 15/08/2015. The minor was taken charge by Dadar Railway Police Station, Mumbai on 14/02/2018, presented before Child Welfare Committee Mumbai City II and admitted to Petitioner Institution Bal Asha Trust, Mumbai as per the Safe Custody Memo dated 14/02/2018 under section 36 (1) of the 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 Child Welfare Committee, Mumbai City II declared the proposed minor SAEE “Legally Free for Adoption” as on 06/08/2018. The Free for adoption Certificate dated 13/08/2018 is on record.

2 I have considered the petition, annexures thereto and the report dated 6th February 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 Nilgiri, Tamil Nadu aged about 40 and 41 years, respectively. They have been married for the past 13 years (05/05/2005) with one biological daughter “Vasudha Priya” aged about 8 years. Her birth certificate, health report and consent are on record. Motivation Letter and Family Photograph is on record. The Decision of Adoption Committee dated 18/12/2018 is on record. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is on record.

4 The Medical report of the prospective adoptive parents dated 15/12/2018 is on record and it states, “They are not suffering from any chronic or congenital illness. Their health is good and tests are normal”. Their HIV and Hepatitis B test reports certifies the case as Negative.

5 The Prospective Adoptive father is working as a Programme Coordinator with Keystone Foundation, The Nilgiris, Tamil Nadu since January 2009 as per Home study report and his income for the Assessment Year 2018-19 is Rs.3,12,000/-. Chartered Accountants Certificate and Tax Returns for the Assessment years 2018-19, 2017-18 and 2016-17 are on record. Prospective Adoptive Mother is working as a Freelance Consultant since last two years and her income for the Assessment year 2018-19 is Rs.2,71,409/-. Chartered Accountants Certificate and Income Tax Returns for the Assessment years 2018-19, 2016-17 and 2015-16 are on record. Mr. Kapoor tenders two separate affidavits of the prospective adoptive parents which are taken on record and marked “X-1” and “X-2”, respectively for identification. The Copy of Pan Card, Aadhar Card/proof of residence, Bank statements and other supportive financial documents are on record. Childcare plan declaration from the prospective adoptive parents is on record.

6 The home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record. The home study report part II: Assessment report of the Social Worker of Specialized Adoption Agency Bethel Agricultural Fellowship, Kadayampatty, Salem, Tamil Nadu (Home visit done on 23/01/2017) is on record and it states, “The prospective adoptive parents are in a good physical and emotional state to take care of a child and observed no physical or psychological issues with them or any

other family members that is going to affect the life of the upcoming child. They are financially sound and capable to take care of one more child. After all assessment, the Social Worker recommended them for adoption of a child". The child security undertaking dated 08/01/2019 by the Sister of the Prospective Adoptive father residing at Gudalur, Tamil Nadu to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents is on record.

7 Medical Examination of the proposed minor dated 21/06/2018 is on record and it states, "Over all Observation of the child : Sae is pleasant child. Her current DQ is 68% indicating developmental delay, probably due to lack of stimulation and turbulent past". The prospective adoptive parents have countersigned the Medical Examination Report along with other additional reports. As regards the change of name, the prospective adoptive parents desire that the minor 'SAEE' be renamed as "VYOMA PRIYA". The HIV test report of the minor dated 05/04/2018 certifies the case as Non-Reactive". Post Cared Size Photograph of the minor is on record. Joint consent and undertaking by the prospective adoptive parents are on record. The Pre-adoption foster care undertaking dated 19/01/2019 is on record. The undertaking to send follow up report by the authorities of The Bethel Agricultural Fellowship, Salem, and Tamil Nadu is on record.

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.)