

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO.5 OF 2019
WITH
JUDGE'S ORDER NO.25 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 Adoption of female
minor Kanchan @ Tanvi Vinod Kanna
- aged about 4 year 2 months under
Section 59 (7) of Juvenile Justice
(Care and Protection of Children) Act,
2015.

Children of the World India Trust
(Vishwabalak Kendra)

...Petitioner

AND

1. Vinod Kanna Balasundaram and
2. Reena Vinod Kanna

...Proposed Adopters

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 Kanchan, born on 15/12/2014 who was found abandoned by the Kalyan Railway Police, Thane on 03/05/2017 and brought before the Child Welfare Committee (CWC), Thane on the same day and the safe custody of said minor was given to petitioner institution Vishwabalak Kendra, Nerul, Navi Mumbai for a period of 3 months as per the order of the said CWC, Thane dated

03/05/2017 under the provisions of the Juvenile Justice (Care and Protection of the Children) Act, 2015. The Admission order is on record. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Thane declared the proposed minor Kanchan “Legally Free for Adoption” on 31/08/2018. The Free for Adoption Order is on record. The undertaking/affidavit by petitioner is on record. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 03/12/2018 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.

2 I have considered the petition, annexures thereto and the report dated 9th 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 Indian Nationals residing at Dubai, United Arab Emirates aged about 40 and 39 years, respectively. They have been married for the past 13 years (22/04/2005) with no biological children. Family Photograph and Passport copies of the Proposed Adopters are on record. The health reports dated 04/11/2018 of the first proposed adopter is on

record and it states, “At present he is not suffering from any active communicable disease and is fully fit. The health reports dated 04/11/2018 of the second proposed adopter is on record and it states, “She is physically fit and not suffering from any communicable disease. She is taking treatment for rheumatoid arthritis and was operated for total hip replacement on both sides”. Their HIV and HbsAg test reports are Negative.

4 The Prospective Adoptive Father is working as a Senior Software Development Engineer with Mercator Solutions FZF, Dubai, U.A.E. since 7th July 2014 and his gross monthly salary is AED 18,000. The Prospective Adoptive Mother is a Homemaker. The Bank References/ Statements, Insurance Certificates and Proof of residence is on record.

5 The Home Study reports dated 28/08/2014 and 27/10/2017 by “Mrs. Omna Menon, Authorized Foreign Adoption Agency (AFAA) for the Middle East” is on record on and it states “The prospective Adoptive Parents are found to be very optimistic, honest and straight forward. The worker is of the view that the couple will prove good parents and will provide the child with lots of love, care and affection, and the child future will be secured in all way financially, emotionally and psychologically which will be good for the upbringing of the child. After all assessment, social worker recommends the couple for adoption of a child between the ages of 1 to 3 years”. The Psychologist’s Report dated 01/11/2018 of the proposed

adopters is on record on record and it states “Impression: Gathering information from interview, functioning, and test result indicates that they do not show any psycho-pathological significance”. The Police Clearance Certificate dated 16/11/2018 from the General Department of Criminal Investigation; Dubai Police is on record. Child Security undertaking dated 21/06/2014 by the Sister and brother-in-law of the second Proposed Adopter residing at Nagpur, Maharashtra to look after the proposed minor in case of any mishap to the Proposed Adopters is on record.

6 The Medical Examination Report (MER) of the minor Kanchan dated 28/08/2018 is on record and states, “Normal development and behavior for age. Goes to Nursery school, speaks well for age, runs and plays”. The proposed adopters have countersigned this report. Mr. Kapoor tenders true copy of the Psychological Assessment Report issued by the Navi Mumbai Municipal Corporation in which it is stated that the date of assessment is 16th January 2019 and the psychologist concluded that the minor's IQ fall in the range of average intelligence. Copy of the report is taken on record and marked “X-1” for identification.

7 The H.I.V report of the proposed minor Kanchan dated 03/05/2017 certifies the case as Non-Reactive. The Post Card size photograph of the minor is on record. As regards the change of name, the prospective adoptive parents desire that the minor ‘Kanchan’ be renamed as

“TANVI VINOD KANNA”. The undertaking dated 28/05/2014 by the Authorized Foreign Adoption Agency of “Mrs. Omna Menon, Authorized Foreign Adoption Agency (AFAA) for the Middle East” is on record. The General Power of Attorney dated 25/10/2018 in favour of petitioner institution is on record. The Indian Placement Agency (Children of the World India Trust, Navi Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 31.7.2019.

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.)