

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL & INHERENT JURISDICTION**

**JUDGE'S ORDER NO.36 OF 2019
IN
FOREIGN ADOPTION PETITION NO.8 OF 2019**

In the matter of the Juvenile Justice
(Care and Protection of Children) Act,
2015

And

In the matter of clause-17 of the
Letters Patent ;

And

In the matter of the adoption of baby
ANITA an inmate of Vatsalya Trust,
having its office at Near Kanjur Marg
Police Station, Kanjur Marg, (East),
Mumbai-400 042.

Vatsalya Trust

)....Petitioner/Applicant

V/s.

1) Mr.Catello Imparato

)

2) Mrs.Michela Prati

)....Proposed Adopters

Mrs.Sangeeta A.Nagpal for petitioner.

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

CORAM : K.R.SHRIRAM,J

DATE : 6.3.2019

P.C.:-

1. This is a petition for adoption of baby Anita born on 21/08/2013. The biological mother relinquished the child before Child Welfare Committee, Mumbai Suburban District on 08/12/2017

and the custody was given to the Petitioner institution Vatsalya Trust, Mumbai as per the Safe Custody Memo dated 08/12/2017 under section 36 (1) of the of Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 18 (4) of the Model J. J. Rule, 2016. The Admission order and Extension order are on record (Pg. 17-18).

2. The Child Welfare Committee, Mumbai Suburban District has issued an order for declaring child legally free for adoption dated 26/02/2018 under section 41 (5) (b) of Juvenile Justice (Care and Protection of Children) Act, 2000. Since the Admission order has to be issued under Juvenile Justice (Care and Protection of Children) Act 2015, the legally free for adoption order should be under J. J. Act, 2015. Ms.Nagpal tenders a praecipe dated 6.3.2019 addressed to the Prothonotary & Senior Master, High Court, Bombay, enclosing therewith legally free for adoption order dated 25.2.2019 passed by the Child Welfare Committee,Mumbai under Juvenile Justice (Care and Protection of Children) Act 2015. The letter together with enclosures is taken on record and marked `X colly'.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 14/11/2018 to this

adoption 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.

4. The Proposed Adopters are Italian Nationals residing at Italy aged about 51 and 45 years respectively, have been married for the past 8 years (26/06/2010) with no biological children. Family Photograph Motivation letter from the Proposed Adopters and the Passport copies of the proposed adopters are on record.

5. The health report of the proposed adopters dated 27/09/2018 states, "They are in good psychical-physical health". Their HIV and Hepatitis B Test Reports certify the case as Non Reactive.

6. The Prospective Adoptive Father is working as a Social Health Operator with the old Age Home "Cesare Bertoli" since 16/01/2010 and his annual gross wage is Euro 29,154.71. The Prospective Adoptive Mother is working as an Administrative Clerk 1st Level with Verotransport srl since 01/09/2016 and her monthly gross wage is of Euro 2,151.22. The Income Tax Return 2017 and 2016 of the Proposed Adopters, the Financial Statement, Bank References and Residence Certificate and the childcare plan declaration from the

proposed adopters are on record.

7. The home study report dated 18/11/2016 by the authorities of “International Adoption” Italyhealth states, “Both of the married couple present a good physical and emotional health and have a strong marital relationship. Their adoptive project was born by a strong parenthood desire, which was not able to be satisfied in a biological way. Their educative project appears to be appropriate to a child’s growth and taking care, in respect of his/her needs and peculiarities and appears to be aware of the complexity of the adoptive experience. After all assessment, the writer is of the views that the married couple has all the necessary resources to welcome and emotively sustain a child of preschool age, within 6 years old at the moment of placement”.

8. The Psychological Evaluation dated 27/03/2018 of the proposed adopters states, “They appear to have adequate capacity of facing and managing stressful or painful situations, using dialogue and mutual support. The couple shows that they possess adequate resources and tools to encourage the inclusion of the child in the family.”

9. The Suitability Decree from the Juvenile Court of Venice, the Adoption Guarantee Letter issued by the Commission for Intercountry Adoption on behalf of the Government of Italy, the child security undertaking/Guardianship Letter from the Proposed Adoptive mother's sister and brother-in-law to look after the proposed minor in case of any unforeseen mishap to the Proposed Adopters and the post card size photograph of the minor are on record. The H.I.V. report of the proposed minor dated 12/04/2018 certifies the case as Negative.

10. The Medical Examination Report of the minor Anita states, "Tuberculosis Test: MT present. Since last six months child has normal mental development and mental milestones are within normal limits." The proposed adopters have countersigned this report.

11. The child Acceptance Letter and undertaking from the prospective adoptive parents, the undertaking dated 13/9/2018 by the Authorized Foreign Adoption Agency "International Adoption", Italy, the power of attorney from the Proposed Adopters in favour of the Petitioner institution & Advocate are on record.

12. The Indian Placement Agency (St. Vatsalya Trust Mumbai) recognition from the Women & Child Development, Maharashtra State

to place children in adoption is valid for a period from 01.04.2016 to 31-03-2021.

13. I have considered the petition, annexures thereto and the report dated 23.2.2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked "X1" for identification.

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

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

16. The Registry will get the Petition with all its annexures and all orders, including the signed Judge's Order, scanned. These digital copies are to be preserved. A soft copy may be given to the Advocate for the petitioner free of cost on a pen drive provided by the Advocate for the petitioner for the same. The Registry will ensure that the scan of the Judge's Order is a properly calibrated colour scan.

17. Once minor Anita is 18 years old, she may apply independently for authenticated or certified copies of this order and the contents of the court records, and these will be provided to her without her having to file any additional supporting documents.

18. Petitioner to obtain further undertaking from the adoptive parents that they shall not give the minor in further adoption without prior leave of this Court.

All undertakings accepted.

(K.R.SHRIRAM,J)