

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

**JUDGE'S ORDER NO.35 OF 2019
IN
INDIAN ADOPTION PETITION NO.14 OF 2019**

In the matter of section 56 and
section 58 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
female minor SWARA @ SAANVI
SAXENA, an inmate of Shraddhanand
Mahilashram, Shraddhanand Road,
Matunga, Mumbai-400 019.

Shraddhanand Mahilashram)....Petitioner/Applicant

V/s.

1) Nitin Saxena)
2) Shilpa Saxena)....Proposed Adopters

Mr.Rakesh Kapoor 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 female minor Swara born
on 14/08/2018 and admitted to the Petitioner institution

Shraddhanand Mahilashram on 24/08/2018 as per the Safe Custody Order of Child Welfare Committee, Mumbai City II dated 27/08/2018 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. Thereafter the biological mother executed a Deed of Surrender before the Child Welfare Committee, Mumbai City II on 04/09/2018 for the child's permanent rehabilitation. The Admission order and Social Worker's final report are on record.

2. 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 SWARA "Legally Free for Adoption" as on 28/11/2018. The Free for adoption Certificate is on record.

3. The Prospective Adoptive Parents are residing at Noida, Uttar Pradesh both aged about 42 years and have been married for the past 16 years (22/11/2002) with no biological children. Family Photograph, Motivation letter from the Prospective Adoptive Parents, The Minutes of the Adoption Committee dated 10/01/2018 and the Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) are on record.

4. The Health reports of the prospective adoptive parents dated 17/12/2018 states, "Found to be physically fit and free from any contagious or fatal disease. They are fit to be adoptive parents." Their HIV I & II and HBsAg test reports, certifies the case as Non-reactive.

5. The Prospective Adoptive father is working as IT Manager with Mainee Steel Works Pvt. Ltd., Noida and his monthly (November-2018) gross salary is Rs. 47,783/-. His salary slips, Appointment Letter and Tax Returns are on record. His wife is a Housewife. The copy of PAN and Aadhar cards, proof of residence and other supportive financial documents, Childcare Plan by the Prospective Adoptive Parents, The home study report Part I: Self Assessment Report by the Prospective Adoptive Parents are on record.

6. The part II: Assessment reports dated 19/05/2017 and 19/01/2019 by the District Probation Officer, Office of the District Child Protection Unit, Gautam Buddha Nagar, New Delhi states, "The Prospective Adoptive parents are in a good physical and emotional state to take care of a child and are well prepared for the adoption. After all assessment, the Officer recommends the couple for adoption

of a child”. The child security undertaking dated 29/01/2019 given by the Brother and sister-in-law of the Prospective Adoptive Mother residing at Delhi 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 01/12/2018 states, “Audio logical Assessment Report: Hearing sensitivity within normal limit. Till date milestones normal. Active child”. The proposed adopters have countersigned the said report.

8. The HIV report of the proposed minor dated 17/11/2018 certifies the case as Negative. Post Card Size Photograph of the minor, joint consent, willingness and undertaking by the prospective adoptive parents, the Pre-adoption foster care undertaking dated 29/12/2018 are on record.

9. As regards the change of name, the prospective adoptive parents desire that the minor ‘Swara’ be renamed as “Saanvi Saxena”. The same is allowed. The undertaking to send follow up report by the authorities of Office of the District Child Protection Unit, Gautam Buddha Nagar, U. P. is on record.

10. The Indian Specialized Adoption Agency (Shraddhanand Mahilashram, Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 31.12.2020.

11. I have considered the petition, annexures thereto and the report dated 16.2.2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked "X" for identification.

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

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

14. 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.

15. Once minor Swara 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.

All undertakings accepted.

(K.R.SHRIRAM,J)