

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

**JUDGE'S ORDER NO.37 OF 2019
IN
INDIAN ADOPTION PETITION NO.15 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 male
minor SAMRAT NARESH DHONGADI,
an inmate of St. Catherine's Home,
Veera Desai Road, Andheri (West),
Mumbai-400 058.

St.Catherine's Home)....Petitioner/Applicant

V/s.

1) Naresh Anand Dhongadi)
2) Pratibha Naresh Dhongadi)....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 male minor Ashish born on 30/09/2018. The biological mother surrendered her child before

Child Welfare Committee, Mumbai Suburban District on 19/10/2018 and the custody was given to the Applicant institution St. Catherine's Home, Mumbai on the same day as per the safe custody order by the said Child Welfare Committee, Mumbai suburban District dated 19/10/2018 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.

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 Suburban District, Govt. of Maharashtra declared the proposed minor Ashish "Legally Free for Adoption" as on 07/12/2018. The Free for adoption order is on record.

3. The Prospective Adoptive Parents are presently residing at Gandhidham, Gujarat aged about 44 and 39 years respectively, have been married for the past 15 years (27/05/2003) with no biological children. Family Photograph is on record, Motivation Letter from the Prospective Adoptive Parents, the Decision of Adoption Committee dated 22/01/2019 and the Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) are on record.

4. The Medical reports of the prospective adoptive parents dated 01/02/2019 states, "Both are in good health". Their HIV I & II and HbsAg test reports certifies the case as Non Reactive.
5. The Prospective Adoptive Father is working as Chief Manager-Plant with Indian Oil Corporation Limited, Kandla LPG Import Terminal and his monthly (December-2018) gross salary is Rs. 1,10,770.85/-. His Payslip and Tax Returns for the Assessment years 2018-19, 2017-18 and 2016-17 are on record. The Prospective Adoptive mother is a Housewife.
6. Copy of PAN cards, Adhar Cards, proof of residence, Bank/LIC certificate, the home study report Part I: Self Assessment by the Prospective Adoptive Parents are on record.
7. The Part II: Assessment report by the Social Worker of Society of Friends of the Sassoon Hospitals (SOFOSH), Pune (Home visit done on 24/02/2017) states, "The prospective adoptive parents are share a strong and stable marital relationship and also have financial stability. They have a positive outlook on adopting a child and able to provide and maintain a decent standard of living to the child placed with them in adoption". The Guardianship undertaking dated 30/01/2019 by the younger brother and sister-in-law of the prospective adoptive father residing at Pune to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents is on

record.

8. Medical Examination of the proposed minor ASHISH dated 29/10/2018 states “No abnormalities. He is an active child”. The proposed adopters have countersigned the said report.

9. As regards the change of name, the prospective adoptive parents desire that the minor ‘Ashish’ be renamed as “Samrat Naresh Dhongadi”. The same is allowed. The HIV report of the proposed minor dated 04/11/2018 certifies the case as Negative. Post Card Size Photograph of the minor, Joint consent, willingness and undertaking by the prospective adoptive parents, and the Pre-adoption foster care undertaking dated 01/02/2019 are on record.

10. The undertaking dated 05/02/2019 to send post adoption follow up report by the authorities of Society of Friends of the Sassoon Hospitals (SOFOSH), Pune is on record.

11. I have considered the petition, annexures thereto and the report dated 29.2.2019 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 Ashish is 18 years old, he may apply independently for authenticated or certified copies of this order and the contents of the court records, and these will be provided to him without him having to file any additional supporting documents.

All undertakings accepted.

(K.R.SHRIRAM,J)