

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

**JUDGE'S ORDER NO.38 OF 2019
IN
INDIAN ADOPTION PETITION NO.13 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 Vineha @ ISHA BIJU
KUMAR, an inmate of St. Catherine's
Home, Veera Desai Road, Andheri
(West), Mumbai-400 058.

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

V/s.

1) Biju Kumar Gopinathan)
2) Mrunal Rupesh Petkar)....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 Vineha
born on 05/03/2017 who was found abandoned by M.I.D.C. Police

Station, Mumbai on 05/03/2018. The minor was produced before the Child Welfare Committee, Mumbai Suburban District on the same day and the safe custody was given to the Applicant institution St. Catherine's Home, Mumbai on 05/03/2018 as per the order safe custody order by the said Child Welfare Committee, Mumbai suburban District dated 05/03/2018 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 VINEHA "Legally Free for Adoption" as on 04/01/2019. The Free for adoption order is on record.

3. The Prospective Adoptive Parents are residing at Nagpur aged about 41 and 45 years respectively, have been married for the past 11 years (30/01/2008) with no biological children. Family Photograph, Motivation Letter from the Prospective Adoptive Parents , The Decision of Adoption Committee dated 22/01/2019 and Affidavit

by the Chief Functionary of the Specialized Adoption Agency (Applicant) are on record.

4. The Medical reports of the prospective adoptive parents dated 31/01/2019 states, "Fit for Adoption". Their HIV I & II and HbsAg test reports certifies the case as Non Reactive.

5. The Prospective Adoptive Father is working as a City Construction Manager with Reliance Corporate IT Park Ltd., Nagpur since 01/07/2015 and his monthly (December-2018) gross salary is Rs. 69,872.17/-. His Payslip and Tax Returns for the Assessment years 2018-19 and 2017-18 and Form No. 18 are on record.

6. The Prospective Adoptive mother is working as an Assistant Geologist with Groundwater Surveys and Development Agency (GSDA), Govt. of Maharashtra Wardha since 04/01/2001 and her monthly (December-2018) gross salary is Rs. 62,642/-. Her Payslip and Tax Returns for the Assessment years 2018-19, 2017-18, 2016-17 and Form No. 18 are on record. Copy of PAN cards, Adhar Cards, proof of residence and Bank/LIC certificate, Childcare plan declarations by the prospective adoptive mother and her mother and 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 Sishugruh, Gitanagar, Nanded (Home visit done on 06/02/2017) states, "The prospective adoptive parents are physically, mentally and emotionally capable of taking care of child and their financial condition is also sound for adoption. After all assessment, the social worker recommends the prospective adoptive parents for adoption".

8. The Guardianship undertaking dated 31/01/2019 by the brother and sister-in-law of the prospective adoptive mother residing at Nagpur to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents is on record. Medical Examination of the proposed minor Vineha dated 29/10/2018 states "No abnormalities. She 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 'Vineha' be renamed as "ISHA BIJU KUMAR". The same is allowed.

10. The HIV report of the proposed minor dated 08/03/2018 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 31/01/2019, the undertaking to send follow up report by the authorities of Sishugruh, Gitanagar, Nanded are on record.

11. I have considered the petition, annexures thereto and the report dated 28.2.2019 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 Vineha 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)