

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

FOREIGN ADOPTION PETITION NO. 9 OF 2019
WITH
JUDGES ORDER NO.47 OF 2019
IN
FOREIGN ADOPTION PETITION NO. 10 OF 2019

Shree Manav Seva Sangh

..Petitioner/Applicant

v/s.

1) Mr. Ismael Baile Cortes and

2) Mrs. Sonia Rodriquez Rodriquez

..Proposed Adopters

Mr. Rakesh Kapoor for the Petitioner.

Mr. O Hareendran, Scrutiny Officer of ICSW present.

Mrs. A.P.Gangan Authorized Signatory of Petitioner present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 28th MARCH, 2019.**

P.C.

1. This is a petition for adoption of male minor VISHAL, born on 21/10/2017 who was surrendered by the biological mother before the Child Welfare Committee, Mumbai City II on 26/10/2017 and the child's safe custody was given to the Petitioner institution as per

the Safe Custody Memo of Child Welfare Committee, Mumbai City II dated 26/10/2017 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission order is 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, Thane declared the proposed minor VISHAL “Legally Free for Adoption” as on 17/10/2018. The Free for Adoption Order is on record. The undertaking/affidavit by the Petitioner is on record.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 15/11/2018 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 . The said CARA NOC is on record.

4. The Proposed Adopters are Spanish Nationals residing at Madrid, Spain both aged about 44 years have been married for the past 4 years (27/06/2014) and living together for 16 years with one biological son aged about 7½ years. His passport copy and consent is

on record. The Family Photograph and Passport copies of the Proposed Adopters are on record. The health reports dated 26/03/2018 of the proposed adopters are on record and it states, “No history of any chronic, infectious or serious diseases, and they are medically fit to adopt a child. They do not suffer from HIV, nor from Hepatitis A, B, or C.

5. The first Proposed Adopter is working as an Assistance Operator with Europe Assistance Espana S.A. Spain since 17/06/2002 and his annual gross salary is 26,015.15.Euros.

6. The Prospective Adoptive Mother is working as a Project Manager with Unisys, SL. Spain since 01/10/2001 and her annual gross salary amounts to 54,000.00 Euros. The Tax Certificates of the proposed adopters for the years 2015, 2016 and 2017 are on record, the Proof of residence is on record.

7. The childcare arrangement declaration from the proposed adopters is on record.

8. The Home Study reports dated 13/09/2016 conducted by the Social Worker “Lucia Menendez Fernandes” is on record and it states “The prospective Adoptive Parents have the capacity to

enhance the education and raising of a child in a favourable environment that encourage and develop his/her skills, just as they have done with their daughter Violeta. Their motivation for adoption, there is no fantasy, ideas or desires that can have a negative impact in the future success of the adoption. After all assessment, the assessor considered that the prospective adoptive parents are suitable for the adoption of a child from India below the age of 4 years old”.

9. The Article “5” Suitability Certificate and Permission of the receiving country-Article “17” from Local Government of Madrid, Spain is on record.

10. The Medical Examination Report (MER) of the minor VISHAL dated 07/02/2018 is on record and states, “child is at present mentally and physically normal”. The proposed adopters have countersigned this report and other additional reports.

11. The H.I.V report of the proposed minor dated 25/10/2017 certifies the case as Negative. The Post Card size photograph of the minor, and the undertaking by the proposed adopters is on record.

12. The undertaking dated 22/11/2018 by the Authorized Foreign Adoption Agency “Children Without Frontiers” Spain is on record.

The General Power of Attorney dated 22/11/2018 in favour of the Petitioner institution is on record.

13. The Indian Placement Agency (Shree Manav Seva Sangh, Mumbai) recognition from the State Government to place children in adoption is valid for a period from up to **31.12.2018**.

14. I have considered the petition, annexures thereto and the report dated 25.03.2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked "X" for identification.

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

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

17. 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.

18. Once minor VISHAL 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.

19. 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.

20. All undertakings accepted.

(ANUJA PRABHUDESSAI, J.)