

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

FOREIGN ADOPTION PETITION NO. 10 OF 2019
WITH
JUDGES ORDER NO. 48 OF 2019
IN
FOREIGN ADOPTION PETITION NO. 10 OF 2019

Children of the World India Trust ..Petitioner/Applicant

v/s.

1) Fabioa Ragni

2) Flavia Candido

..Proposed Adopters

Mr. Rakesh Kapoor for the Petitioner.

Mr. O Hareendran, Scrutiny Officer of ICSW present.

Ms. Betty Mathani, 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 Anurag, born on or about 02/05/2017, who was found abandoned, by the Kalwa Police Station, Dist. Thane on 16/05/2017 and brought before the Child Welfare Committee (CWC), Thane on the same day and the self

custody of said minor was given to the Petitioner institution **Vishwabalak Kendra, Nerul, Navi Mumbai** for a period of 3 months as per the order of the said CWC, Thane dated 16/05/2017 under the provisions of the Juvenile Justice (Care and Protection of the 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 ANURAG “Legally Free for Adoption” as on 25/05/2018. 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 11/01/2019 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 Italian Nationals residing at Bellante, Italy aged about 46 years and 44 years respectively, have been married for the past 2½ years (04/06/2016) with no biological

children. The Second proposed adopter was married earlier on 29/05/2009 and divorced on 03/07/2015. The Divorce Decree is on record. The Family Photograph and Passport copies of the Proposed Adopters are on record.

5. The health reports dated 08/01/2018 of the proposed adopters are on record and it states, "Do not suffer of chronic, venereal, infective, or terminal diseases, and do not present any physical or mental condition which impedes them to take care of a child. It is also certifies that their HIV and Hepatitis B test results shows Negative.

6. The Prospective Adoptive Father is working as a Worker of 3A Category with Bticino S.p.A. since 01/01/2008 and his income for the year 2017 was Euro 22,305.42. The Prospective Adoptive Mother is working as a Worker with Hospital Services Spa since 03/06/2015 and her monthly net income is of Euro 1558.07 for thirteen months. The self-certification of the income by the proposed adopters and Tax Certificate for the year 2017 from Revenue Agency, and the Bank Reference and Residence Certificate are on record.

7. The childcare arrangement declaration is on record.
8. The Home Study reports dated 15/12/2017 by the authorities of “Famiglia Insieme “ Roma, Italy which is on record, states “The prospective Adoptive Parents come from traditional families with healthy principles and values such as mutual help, respect for each other and non-repressive educational models and will create a prejudice-free environment so that the child can develop his or her potential. The couple seems to be able to take care and soothe the suffering of an adoptive child, accepting his/her origin and creating a welcoming environment in which to enhance their qualities. After all assessment, the agency worker is of the view that the adoptive couple will make excellent parents for any child and recommends them to adopt one child of special needs with mild, curable and reversible pathologies within 4 years as their desire”.
9. The Decree of Suitability for Inter-country adoption from Juvenile Court of Abruzzo and Adoption Guarantee Letter issued by the Commission for Intercountry Adoption on behalf of the Government of Italy is on record..

10. The H.I.V report of the proposed minor Anurag dated 18/02/2019 certifies the case as Non-Reactive. The Post Card size photograph of the minor is on record. The Medical Examination Report (MER) dated 18/05/2018 of the minor Anurag is on record and states, "His initial HIV test report dated 10/01/2018 was Positive. Repeat HIV test reports dated 25/04/2018 and 02/06/2018 shows HIV Negative. Mild developmental delay. Motor delay more than mental. Does not sit without support yet. The proposed adopters have countersigned this report along with HIV report and MRI Brain (plain study). Acceptance Letter, Joint Declaration of willingness and undertakings by the proposed adopters is on record. The undertaking dated 20/12/2018 by the Authorized Foreign Adoption Agency "Famiglia Insieme "Roma, Italy is on record. The General Power of Attorney dated 09/01/2019 in favour of the Petitioner institution is on record.

11. The Indian Placement Agency (Children of the World India Trust, Navi Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 31.7.2019.

12. I have considered the petition, annexures thereto and the report dated 22.03.2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked "X" for identification.

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

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

15. 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.

16. Once minor ANURAG 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.

17. 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.

18. All undertakings accepted.

(ANUJA PRABHUDESSAI, J.)