

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

INDIAN ADOPTION PETITION NO.21 OF 2019
WITH
JUDGE'S ORDER NO.65 FO 2019
IN
INDIAN ADOPTION PETITION NO.21 OF 2019

In the matter of the Juvenile Justice (Care & Protection of Children) Act, 2015 (as Amended) and The Juvenile Justice (Care & Protection of Children) Rules, 2017 and in the matter of Section 58(3) of the said Act,

AND

In the matter of Adoption of female minor **Anjali @ Anjali Sanjiv Khaire** - aged about 5 years 10 months under Section 56 and 58 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

SWTI, Bal Vikas Shishu Bhavan
Malad (E), Mumbai

...Petitioner

Versus

1. Sanjiv Narayan Khaire
2. Mrs. Gita Sanjiv Khaire

...Proposed Adopters/
Co-Petitioners

.....

Smt. Lalita Jaya Raj for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer of ICSW is present.

Mr. Sanjiv Narayan Khaire and Mrs. Gita Sanjiv Khaire, proposed adopters are present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th APRIL, 2019.

P.C.:-

This is a petition for adoption of a minor girl child **Anjali**. The proposed girl child **Anjali @ Anjali Sanjiv Khaire**, was born on 07/05/2013. She was an abandoned child and was found by Borivali Railway Police Station on 07/05/2018 and admitted to the Petitioner institution Bal Vikas Trust on the same day for care and protection. The said minor child was then produced before the Child Welfare Committee, Mumbai Suburban District on 11/05/2018 under section 36 (i) of the Juvenile Justice (Care and Protection of Children) Act 2015 and Rule 18 (4) of the Model J. J. Rules, 2016 and the safe custody of the child was continued with Bal Vikas Trust vide safe custody order dated 11/05/2018.

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 declared the proposed minor Anjali “Legally Free for Adoption” as on 30/11/2018. The Free for adoption Certificate is on record.

3. The Proposed Adopters are Indian Nationals residing at Pen, Dist. Raigad Maharashtra. The proposed parents are of 51 and 48 years of age respectively and have been married for the past 22

years (12/02/1997) with no biological children. The Family Photograph of the adoptive family and proposed minor is on record.

4. Affidavit by the Specialized Adoption Agency (Petitioner) in support of adoption of the proposed minor as well as Adoption Committee Minutes dated 21/02/2019 are on record.

5. The Health Report of the prospective adoptive parents dated 24/02/2019 is on record and it states that “the prospective adoptive father is suffering from high blood pressure and is on medicine. Now his BP is in control. The prospective adoptive mother is having controlled HTN. Remarks of the Physician: They are Fit”. Their HIV 1 & II and HBsAg test reports certifies the case as Negative.

6. The Prospective Adoptive father is working as a Senior Technician at Pen Circle Office of Maha Vitaran, Govt. of Maharashtra since 4th July, 1996 and his monthly (January-2019) gross salary is Rs. 42,743/-. His Salary Certificate, Pay slips and Tax Returns are on record. The Prospective Adoptive Mother is a Homemaker.

7. The copy of PAN Cards, Statement of Property/Assets

and Copy of Aadhar Cards are on record. Similarly, the Child Care Arrangement Letter from the proposed adopters and the Home study report Part 1: Self-assessment by the proposed adopters are on record.

8. Home Study Report Part II: Assessment Report of the Social Worker of Janani Ashish Charitable Trust, Dombivli (Home visit done on 23/05/2017), which is on record states that “The Prospective Adoptive Parents are in a good physical and emotional state to take care of a child. The couple has stable family structure and there is openness towards adoption from close family members and friends. After the assessment of all the facts and observations, the social worker is of the view that the couple would be able to give love, affection, care and education to the child and recommends the Prospective Adoptive parents for adoption of a healthy female child between the age group of 4-6 years”.

9. The brother and sister-in-law of the Second Proposed Adopter residing at Pune have given Child Security undertaking dated 22/02/2019 and have undertaken to look after the child in case of any mishap to the Prospective Adoptive Parents. The Declaration of Willingness & Affidavit by the Prospective Adoptive

Parents is on record. Photograph of the Proposed Adopters and proposed minor is on record.

10. Medical Examination of the proposed minor ANJALI dated 05/12/2018 states that the minor is “a Normal child”. The proposed adopters have countersigned the said report. The HIV report of the minor dated 15/05/2018 certifies the case as Non-reactive. The Pre-adoption Foster Care Affidavit dated 22/02/2019 by the Prospective Adoptive Parents is on record.

11. As regards the change of name, the prospective adoptive parents desire that the minor ‘Anjali’ be renamed as “Anjali Sanjiv Khaire”.

12. The undertaking to send follow-up report by the authorities of Vatsalya Trust, Mumbai is on record.

13. The Indian Specialized Adoption Agency (Bal Vikas, Mumbai) recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period up to 31.3.2020.

14. I have considered the petition, annexures thereto and the report dated 22/3/2019 of the Scrutiny Officer of the 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. The Petition is allowed. Judge's order is signed separately.

17. The Registry will get the Petition with all the 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 Anjali 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.

19. All undertakings accepted.

(SMT. ANUJA PRABHUDESSAI, J.)