

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

INDIAN ADOPTION PETITION NO.23 OF 2019  
WITH  
JUDGE'S ORDER NO.68 FO 2019  
IN  
INDIAN ADOPTION PETITION NO.23 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 **Bhargavi @ Amaira** - aged about 6 months under section 58 (3) of Juvenile Justice Act, 2015.

Bal Asha Trust, Bal Asha Dham,

Anand Niketan , Mumbai

Versus

Anurag Shrivastava &

Pragati Shrivastava

...Petitioner/Applicant

...Proposed Adopters/  
Co-Petitioners

.....

Mr. Rakesh K.L. Kapoor for the Petitioner.

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

Mr. Anurag Shrivastava and Mrs. Pragati Shrivastava are present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 4<sup>th</sup> APRIL, 2019.**

**P.C.:-**

This is a petition for adoption of a minor girl child

**Bhargavi.** The proposed minor girl child **Bhargavi @ Amaira** was born on 01/09/2018 and the biological mother surrendered her child before Child Welfare Committee, Mumbai City II on 12/10/2018 and the child's custody given to Applicant institution Bal Asha Trust, Mumbai as per the Safe Custody Order dated 12/10/2018 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. The child has admitted in the said institution on 10/10/2018. 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, Mumbai City II declared the proposed minor **Bhargavi “Legally Free for Adoption”** as on **04/01/2019**. The Free for adoption Certificate is on record.

3. The Proposed Adopters are residing at Dombivili. The proposed parents are of 40 and 39 years of age respectively and have been married for the past 11 years (23/06/2007) with no biological children. The family photograph is on record. The Motivation Letter from the prospective adopters and the Decision dated 05/02/2019 of Adoption Committee as well as the Affidavit by the Chief Functionary

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

4. The Medical report of the prospective adoptive parents dated 4<sup>th</sup> /2<sup>nd</sup> February, 2019 is on record and it states that “They are physically and mentally fit to adopt a child”. Their HIV and Hepatitis B test reports certifies the case as Negative.

5. The Prospective Adoptive father is working as a Senior Associate with MTW Global Delivery and Solutions India Pvt. Ltd., Mumbai since 16/03/2015 and his Net monthly (January-2019) is Rs. 32,596/-. His Salary slips and Tax Returns for the Assessment years 2016-17, 2017-18 and 2018-19 are on record.

6. Prospective Adoptive Mother is working as a Incident Manager with Dow Chemical International Pvt. Ltd., Mumbai since 03/12/2007 and her monthly (January-2019) Net salary is Rs. 1.09,408/-. Her Payslips and Tax Returns for the Assessment years 2016-17, 2017-18 and 2018-19 are on record.

7. The proof of residence and other supportive financial documents are on record similarly Childcare plan declaration from the prospective adoptive mother and her mother are on record and the

home study report Part I: Self Assessment by the Prospective Adoptive Parents are on record.

8. The home study report part II: Assessment reports of the Social Worker of Specialized Adoption Agency Janani Ashish Charitable Trust, Dombivli (Home visit done on 13/07/2016), which is on record on states that “The prospective adoptive parents are physically, mentally and emotionally stable, financially capable to take care of a child. They have strong family and friends support in this adoption. After all assessment, the Social Worker recommended them for adoption of a child”.

9. The sister and brother-in-law of the prospective Adoptive Mother residing at Ahmedabad have given the child security undertaking dated 12/02/2019 and have undertaken to look after the the child in case of any mishap to the Prospective Adoptive Parents. Post Card Size Photograph of the minor is on record. The prospective adoptive parents have given Joint consent and undertaking and the same is on record.

10. Medical Examination of the proposed minor dated 21/12/2018 states that the minor has, “Unilateral moderate hearing

loss on left side. Over all Observation of the child: Bhargavi is developmentally normal. However, she was detected to have a moderate hearing loss, probably conductive, in the left ear. That is being evaluated with an impedance audiometry and an ENT referral". The prospective adoptive parents have countersigned the Medical Examination Report. The HIV test report of the minor dated 12/12/2018 certifies the case as Non-Reactive. The Pre-adoption foster care undertaking dated 07/02/2019 is on record.

11. As regards the change of name, the prospective adopters desire that the minor 'Bhargavi' be renamed as "Amaira Shrivastava". The same is allowed.

12. The undertaking to send follow up report by the authorities of Janani Ashish Charitable Trust, Dombivli, Dist. Thane is on record.

13. I have considered the petition, annexures thereto and the report dated 29/3/2019 of the Scrutiny Officer of the Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X-1' for identification.

14. The other required documents are also on record.

Therefore, I find no impediment in granting the reliefs sought for in the petition.

15. The Petition is allowed. Judge's order is signed separately.

16. 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.

17. Once minor Bhargavi 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.

18. All undertakings accepted.

**(SMT. ANUJA PRABHUDESSAI, J.)**