

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

INDIAN ADOPTION PETITION NO.22 OF 2019
WITH
JUDGE'S ORDER NO.67 FO 2019
IN
INDIAN ADOPTION PETITION NO.22 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 minor male child **Lalit @Akshar** - aged about 6 months under Section 58 (3) Juvenile Justice (Care and Protection of Children) Act, 2015.

ST. Catherine's Home

...Petitioner/Applicant

Versus

1. Kartik Navinchandra Doshi and
2. Kavya Kartik Doshi

...Proposed Adopters/
Co-Petitioners

.....

Mr. Rakesh Kapoor for the Petitioner.

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

Mr. Kartik Navinchandra Doshi and Mrs. Kavya Kartik Doshi, proposed adopters are present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th APRIL, 2019.

P.C.:-

This is a petition for adoption of a minor male child **Lalit**.

The proposed minor male child **Lalit @ Akshar** was born on 28/09/2018 and the biological mother surrendered her child before Child Welfare Committee, Mumbai Suburban District on 05/10/2018 and on the same day the said minor child was given to the Applicant institution St. Catherine's Home, Mumbai as per the safe custody order by the said Child Welfare Committee, Mumbai suburban District dated 05/10/2018 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.

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 Lalit "Legally Free for Adoption" as on 07/12/2018. The Free for adoption order is on record.

3. The Proposed Adopters are presently residing at Nagpur. The proposed parents are of 41 and 38 years respectively and have been married for the past 9 years (**13/12/2009**) with no biological children due to medical reasons. The Family Photograph is on record.

The Motivation Letter from the Proposed Adopters Parents and the Decision of Adoption Committee dated 22/01/2019 as well as the Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) are on record.

4. The Medical reports of the prospective adoptive parents dated 01/02/2019 are on record and it states, "Present Health Status: Normal Healthy". Their HIV I & II and HbsAg test reports certifies the case as Negative.

5. The Prospective Adoptive Father is working as a Junior Engineer with Ideal Constructions, Nagpur since September, 2005 and his monthly (January-2019) gross salary is Rs. 33,350/-. His Salary Certificate and Tax Returns for the Assessment years 2016-17, 2017-18 and 2018-19 is on record.

6. The Prospective Adoptive mother is working as a Lecturer with The Swaminarayan School, Nagpur since 2010 and her monthly (January-2019) gross salary is Rs. 19,783/-. Her Salary Slip and Tax Returns for the Assessment years 2016-17, 2017-18 and 2018-19 are on record.

7. Copy of PAN cards, Adhar Cards, proof of residence and Bank/LIC certificate are on record. Similarly, the childcare plan arrangement by the prospective adoptive mother and her mother-in-law and the home study report Part I: Self Assessment by the Prospective Adoptive Parents are on record.

8. The Part II: Assessment report by the Social Worker of Ashirwad Adoption Centre, Nagpur (Home visit done on 14/01/2016), which is on record states that “The prospective adoptive parents are physically, medically and financially sound. They are interested to adopt a male child below one year. Mr. Doshi the prospective adoptive father is himself adopted. They have a positive outlook on adopting a child and able to provide and maintain a decent standard of living to the child placed with them in adoption. After all assessment, the social worker recommended them to adopt a male child as per their desire”. The submitted Home study report is more than three years old; hence, an updated Home study report needs to be submitted to the Hon’ble Court as per the Adoption Regulations 9(12). Updated home study report is taken on record and marked 'A' for identification.

9. The younger brother and sister-in-law of the prospective adoptive father residing at Khandwa, Madhya Pradesh have given the Guardianship undertaking dated 05/02/2019 and have undertaken to look after the proposed minor 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 a Joint consent, willingness and undertaking and the same is on record.

10. Medical Examination of the proposed minor LALIT dated 29/10/2018 states that “No abnormalities. He is an active child”. The proposed adopters have countersigned the said report. The HIV report of the proposed minor dated 04/11/2018 certifies the case as Negative. The Pre-adoption foster care undertaking dated 07/02/2019 is on record.

11. As regards the change of name, the prospective adoptive parents desire that the minor ‘Lalit’ be renamed as “Akshar Kartik Doshi”. The same is allowed.

12. The undertaking dated 06/02/2019 to send post adoption follow up report by the authorities of Ashirwad Adoption Centre,

Indian Children Welfare Trust, Nagpur is on record.

13. The Indian Specialized Adoption Agency (St. Catherine's Home) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 24-04-2020.

14. 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.

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 Lalit 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. All undertakings accepted.

(SMT. ANUJA PRABHUDESSAI, J.)