

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

**FOREIGN ADOPTION PETITION NO. 11 OF 2019
WITH
JUDGES ORDER NO. 69 OF 2019
IN
FOREIGN ADOPTION PETITION NO. 11 OF 2019**

Shree Manav Seva Sangh

..Petitioner/Applicant

v/s.

1) Zainul Abideen Saigar

2) Zahra Abdulali Saigar

..Proposed Adopters

Mr. **Rakesh Kapoor** for the Petitioner.

Mr. O Hareendran, Scrutiny Officer of ICSW present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 11th APRIL, 2019.**

P.C.

1. This Foreign Adoption Petition is for adoption of female Child SWARA, born on 06.04.2018. The minor was surrendered by the biological parents before the Child Welfare Committee, Mumbai City on 11.04.2018 and the child's safe custody was given to the

Petitioner Institution as per the Order of the Child Welfare Committee on 11.04.2018 under Section 36(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) and Rules 18(4) of the Model J.J.Rules, 2016. The Admission Order is on record. After making 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 SWARA “Legally Free for Adoption” as on 04.07.2018. The Free for Adoption Order is on record. The Undertaking/Affidavit by the Petitioner is also on record.

2. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 22.02.2019 as per Adoption Regulation, 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption. The said CARA NOC is on record.

3. The first proposed Adopter is a Canadian National and the second proposed adopter is an American National, both residing at Ontario, Canada, both aged about 36 years and have been married for past 8 years. They have one biological daughter aged about 4

years. Her passport copy and the passport copies of the proposed adopters are on record. The family photograph is on record.

4. The Health report of the biological daughter dated 24.07.2018 is on record. The Health report of the proposed adopters dated 24.07.2018 are on record. It states that “Both are healthy and suitable to adopt or provide foster/kinship/customary care for a child at this time. The HIV report and Hepatitis B Virus test report of the proposed Adoptive Parents is taken on record and marked “X” for identification.

5. The first proposed Adopter is currently working as a Dentist -Managing Partner at the Colingwood Dental Centre. He has been practicing at this office for past 9 years and his total income is \$482.850. His Tax Certificate for the year 2017 is on record. The prospective Adoptive mother is a home maker. The Bank reference and proof of residence is on record.

6. The Home Study reports dated 15.08.2016, 11.10.2018 by the Social Worker of SAFE is on record and it states “The Prospective Adoptive parents are able to provide a safe, stable and loving family for a child. They are ready to take on the challenges of parenting

through adoption and highly committed to parenting through adoption. They have the financial resources to provide for two children, and knowledge of the diverse services available to help with any special needs. After all assessment, the assessor recommends the prospective adoptive parents to adopt a healthy boy or girl, or a child with minor correctable conditions, from India, between the ages of new born and 12 months at the time of proposal.

7. The Psychological Evaluation of the proposed adopters dated 23.03.2018 is on record and it states, “The Prospective adoptive parents appears to be a warm and engaging couple, with considerable personal and interpersonal strengths. They have very strong social support, with excellent ties to their family and to the community and they are already successfully parenting their daughter. After all psychological assessment the Psychologist recommends them as adoptive parents. The Article “17” Letter under Hague Agreement from Ministry of Children, Community and Social Services, Ontario, Canada is on record.

8. The Medical Examination Report of SWARA, dated 21.07.2018 is on record. The proposed adopters have countersigned this report

and other additional reports. The HIV report of minor dated 10.4.2018 is on record. The post card size photograph of minor is on record.

9. The proposed adopters desire that “SWARA” be renamed as “Zaahira Swara Saigar”. The request letter for change of name and consent and willingness of the proposed adopters is on record.

10. The undertaking dated 2nd January, 2019 of Authorized Foreign Adoption Agency, namely Cornerstone Adoption Agency regarding “In the event of death/ disruption in the adoptive family, the Agency shall take care of the said child and find a suitable alternative place with the approval of the sponsoring agency in India” is also on record.

11. I have considered the petition, annexures thereto and the report dated 22.3.2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked “Y” for identification.

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

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

14. 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.

15. Once SWARA is 18 years old, she may apply independently for an 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.

16. 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.

17. All undertakings accepted.

(ANUJA PRABHUDESSAI, J.)