

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

**INDIAN ADOPTION PETITION NO.25 OF 2019
WITH
JUDGE'S ORDER NO.76 FO 2019
IN
INDIAN ADOPTION PETITION NO.25 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 **Aayansh @ Dnyanesh** - aged about 10 months under Section 58 (3) Juvenile Justice (Care and Protection of Children) Act, 2015 (No.2 of 2016).

Family Service Centre

...Petitioner/Applicant

Versus

Devidas Vinayak Bedarkar and
Kunda Devidas Bedarkar

...Prospective Adoptive
Parents

.....

Mr. Rakesh Kapoor for the Petitioner.

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

Mr. Devidas Vinayak Bedarkar and Mrs. Kunda Devidas Bedarkar are present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 18th APRIL, 2019.

P.C.:-

This is a petition for adoption of a minor male child **Aayansh**. The proposed minor male child **Aayansh @ Dnyanesh** was born on **08/06/2018** and the biological mother surrendered her child before the Child Welfare Committee, Mumbai City on 12/06/2018 and the custody was given to the Petitioner institution Family Service Centre, Colaba, Mumbai on the same day as per the Safe Custody order of Child Welfare Committee, Mumbai City II dated 12/06/2018 under section 36 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 18 (4) of the Model J. J. Rules, 2016. The Custody 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 Aayansh “Legally Free for Adoption” as on 13/08/2018. The Free for adoption Certificate is on record.

3. The Proposed Adopters are residing at Hingna, Nagpur. The proposed parents are of 47 and 41 years respectively and have been married for the past 17 years (07/06/2002) with no biological children. The Family Photograph is on record. The Motivation Letter

from the Proposed Adopters and the decision dated 12/03/2019 of Adoption Committee as well as the Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) are on record

4. The Health report of the prospective adoptive Parents dated 02/03/2019 is on record and it states, “found to be physically and mentally fit”. Their HIV I & II and Hepatitis B test reports certifies the case as Negative.

5. The Prospective Adoptive father is working as a Semi-Skilled-B Workmen with Mahindra & Mahindra Ltd., Hingna, Nagpur since 2014 and his monthly (February-2019) gross salary is Rs. 45,414/-. His Pay slips, Letter of Confirmation and Form No. 16 are on record. Prospective Adoptive Mother is a Homemaker.

6. The proof of residence/Aadhar Card, Copy of PAN Card, Bank statements and other supportive financial documents are on record. Similarly the home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record.

7. The part II: Assessment report of the Social Worker of Shri Shraddhanand Anathalaya, Nagpur (Home visit done on 25/03/2017), which is on record states that, "Prospective Adoptive Parents are physically, mentally, emotionally, intellectually, socially capable. They have very sound financial capacity. After all the assessment the Social Worker recommends the couple for adoption of a child".

8. The Sister and brother-in-law of the Prospective Adoptive mother residing at Chandrapur, Maharashtra have given the child security undertaking dated 14/03/2019 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 and undertaking and the same is on record.

9. Medical Examination of the proposed minor Aayansh dated 27/08/2018 is on record and it states, "Overall Observation of the child: Active. Normal milestones age appropriate". The HIV report of the proposed minor dated 22/08/2018 certifies the case as Non-reactive. The Prospective Adoptive Parents have countersigned the said report. The Pre-adoption foster care undertaking dated

13/03/2019 is on record.

10. As regards the change of name, the Prospective Adoptive Parents desire that the minor 'Aayansh' be renamed as "Dnyanesh Devidas Bedarkar" The same is allowed.

11. The undertaking to send follow up report by the authorities of Shri Shraddhanand Anathalaya, Nagpur is on record.

12. I have considered the petition, annexures thereto and the report dated 6/4/2019 of the Scrutiny Officer of the 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. The Petition is allowed. Judge's order is signed separately.

15. 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.

16. Once minor Aayansh 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. All undertakings accepted.

(SMT. ANUJA PRABHUDESSAI, J.)