

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

INDIAN ADOPTION PETITION NO. 26 OF 2019

with

JUDGES ORDER NO. 79 OF 2019

IN

INDIAN ADOPTION PETITION NO. 26 OF 2019

Shraddhanand Mahilashram

..Petitioner/Applicant

v/s.

1) Mr. Ashish Japtiwale

2) Mrs. Kapila A. Japtiwale

..Proposed Adopters

Mr. Rakesh Kapoor for the Petitioner.

Mr. O Hareendran, Scrutiny Officer ICSW is present.

The Proposed Adopters are present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th APRIL, 2019.

P.C.

1. The Indian Adoption Petition proposes the adoption of a male minor, **Nived** was born on **14/09/2018** and admitted to the Petitioner institution Shraddhanand Mahilashram on 28/09/2018 as per the Safe Custody Order of Child Welfare Committee, Mumbai City II dated 28/09/2018 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. Thereafter the biological mother executed a Deed of Surrender before the Child Welfare Committee, Mumbai City II on 08/10/2018 for the child's permanent rehabilitation. The Admission order and Social Worker's final report are 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 Nived "Legally Free for Adoption" as on 17/12/2018. The Free for adoption Certificate is on record.

3. The Prospective Adoptive Parents are residing at Andheri East, Mumbai both aged about 37 years have been married for the past 8 years (11/12/2010) with no biological children. Their Family Photograph is on record. The Motivation letter from the Prospective Adoptive Parents is on record.

4. The Minutes of the Adoption Committee dated 12/02/2019 is on record.

5. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is on record.

6. The Health reports of the prospective adoptive parents dated 19/02/2019 is on record and it states, “Medically fit for adoption. They do not have any mental or physical ailment” Their HIV I & II and HBsAg test reports, certifies the case as Non-reactive .
7. The Prospective Adoptive father is working as a Lead Engineer with Tata Power Co. Ltd., Mahul, Mumbai since 25/06/2008 and his monthly (January-2019) gross salary is Rs. 1,34,214.28/-. His salary slips and Tax Returns are on record.
8. The Prospective Adoptive mother is working as a Deputy Manager HR with TVS Logistics, Andheri, Mumbai since 01/02/2008 and her monthly (January-2019) gross salary is Rs.1,15,607.84/-. Her salary slips and Tax Returns are on record.
9. The copy of PAN cards, proof of residence, and other supportive financial documents are on record.
10. Childcare Plan by the Prospective Adoptive Parents and paternal grandparents of the child is on record.
11. The Self Assessment Report by the Prospective Adoptive Parents is on record.
12. The Assessment report by the Social Worker of Shraddhanand

Mahilashram, Matunga, Mumbai (Home visit conducted on 09/11/2017) is on record on and it states, “The Prospective Adoptive parents are educated, matured, understanding, well mannered and responsible individuals. Their marital relationship appears to be stable and they are financially secure and stable. After all assessment, the social worker recommended the couple for adoption of a male or female child between the ages of 0 to 2 years”.

13. The child security undertaking dated 16/03/2019 given by the sister and brother-in-law of the Prospective Adoptive Mother residing at Jogeshwari, Mumbai to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents is on record.

14. Medical Examination of the proposed minor dated 20/12/2018 is on record and it states, “Milestones normal for age”. The prospective Adoptive Parents have countersigned the said report.

15. The HIV report of the proposed minor dated 10/12/2018 certifies the case as Negative.

16. Post Card Size Photograph of the minor is on record.

17. Joint consent, willingness and undertaking by the prospective adoptive parents are on record.

18. The Pre-adoption foster care undertaking dated 12/02/2019 is on record.

19. As regards the change of name, the prospective adoptive parents desire that the minor **'Nived' be renamed as "Nived Ashish Japtiwale"**.

20. The undertaking to send follow up report by the authorities of Shraddhanand Mahilashram, Matunga, Mumbai is on record.

21. The Indian Specialized Adoption Agency (Shraddhanand Mahilashram, Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 31.12.2020.

22. Having regard to the financial status of the adoptive parents, I have fixed the investment for the minor at Rs.2,00,000/- (Rupees Two lakhs Only).

23. The documents being in Order, I allow the Petition. The Judge's Order is signed separately.

24. I have seen the scrutiny report presented by Mr. O Hareendran, Scrutiny Officer of the Indian Council of Social Welfare which is on record. Taken on record and marked "X".

25. 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.

26. Once minor "Nived" 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.

(ANUJA PRABHUDESSAI, J.)