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ORDINARY ORIGINAL CIVIL JURISDICTION

INDIAN ADOPTION PETITION NO. 27 OF 2019
WITH
JUDGE'S ORDER NO.84 OF 2019

SWTI, Bal Vikas Shishu Bhavan,]
Malad (E) Mumbai.]Petitioner.

1) Prakash Balaji Bhalerao of Latur]
2) Shila Prakash Bhalerao w/o Prakash Balaji Bhalerao.] Present Adopters.

Smt. Lalita Jaya Raj for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer of ICSW
present.
Ms. J.B. Panigrahi, Managing Trustee of Petitioner
present.
Mr. Prakash Bhalerao and Mrs. Shila Bhalerao,
proposed Adopters are present.

CORAM : B. P. COLABAWALLA, J.
DATED :- 18th July, 2019.

P.C. :-

1. This Indian Adoption Petition is filed for the adoption

of a male minor Vishal born on 23rd October, 2018. Before I proceed, I must mention that by my previous order dated 20th June, 2019 it was recorded that the adoptive father will create a Fixed Deposit in a Nationalized Bank, in the name of the minor Vishal, in the sum of Rs.1,00,000/-. To enable the proposed adoptive father to do so, this petition was stood over today. Today when the matter is called out, the proposed adoptive father is present before me and has tendered the original Fixed Deposit Receipt issued by the Oriental Bank of Commerce, Branch Latur, showing a Fixed Deposit created in the name of the minor child for a period of ten years. A xerox copy of the said certificate is taken on record and marked "X" for identification.

2. As mentioned above, the minor Vishal is sought to be adopted by Indian Nationals. The biological mother of Vishal surrendered her child before the Child Welfare Committee, Mumbai on 30th October, 2018 and thereafter the safe custody of the said minor was given to the petitioner-Institution by the Child Welfare Committee vide its order dated 30th October, 2018 under Section 36 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short, "Juvenile Justice Act") read with

Rule 18 (4) of the Model Juvenile Justice Rules, 2016. This order can be found at page No. 28 of the paper book. The representation of Indian Council of Social Welfare (ICSW) is also tendered before me and taken on record and marked “X-1” for identification.

3. After making due inquiry under Section 38 of Juvenile Justice Act, the Child Welfare Committee, Mumbai Suburban District declared the proposed minor Vishal “Legally Free for Adoption” as on 7th January, 2019. The Free for adoption Certificate is also tendered before me on record at page Nos. 29 and 30.

4. The Proposed Adopters are Indian Nationals residing at Latur, Maharashtra, aged about 32 and 31 years respectively. They have been married for the past 12 years (17th October, 2006) with one biological daughter “Prapti” aged about 11 years. Her birth certificate, school report and consent letter is on record at page Nos. 14 to 16. The motivation letter is also on record at page No. 9 of the paper book. It is stated in the said motivation letter that as the adoptive parents have lost their two children, due to some critical medical conditions. They want to fill the place of the

lost two children by way of this adoption of a male child. They want to give support to needy child and also they wish to give him a family. They have their own biological daughter, so they want a male child to complete their family.

5. The affidavit by the Specialized Adoption Agency (petitioner) in support of adoption of the proposed minor is also on record at page Nos. 17 to 20 along with the Adoption Committee Minutes dated 27th March, 2019 (at Page Nos. 26 and 27.).

6. The Medical Reports of the proposed Adopters dated 17th January, 2019 are on record on at page 69 to 79 and it states “No clinically apparent illness at present. Fit for adoption”.

7. Their biological daughter’s medical certificate dated 30th March, 2019 is at page No. 73. The said medical certificate states that she is physically and mentally fit for her age. Their HIV 1 & II and HBsAg test reports certifies the case as Negative.

8. The First Proposed Adopter is working as a Clerk with VRL Logistics Ltd, Latur since June, 2006 and his gross monthly

salary is Rs. 18,000/-. His Employment Certificate, Salary Certificate and Tax Return for the year 2018-19 are on record at page Nos. 31 to 37. His latest salary is Rs. 20,000/-per month. The Second Proposed Adopter is a Homemaker. The Copy of PAN Card, Bank Reference Letter, copy of Aadhar cards are on record at page Nos. 38 to 42.

9. The Home Study Report Part 1: Self-assessment by the proposed Adopters is on record at page Nos. 50 to 57. Home Study Report Part II: Assessment Report by the Social Worker of Bal Vikas Mahila Mandal, Latur (Home visit done on 27th February, 2019) is on record at page Nos. 58 to 61 and it states that the proposed Adopters are physically and emotionally ready to take care of the child and also well prepared for adoption. They have a rental house of two rooms at Manthale Nagar, Latur and the environment is conducive for the child. Their extended family is aware of their adoption plan and are positive about the adoption. After all assessment, the Assessor recommended the prospective adoptive parents for adoption of a child.

10. A child Security Undertaking dated 29th March, 2019 by

the brother and sister-in-law of the First Proposed Adopter residing at Latur, Maharashtra to look after the proposed minor in case of any mishap to the Proposed Adopters is also on record at page Nos. 46 and 47. Photograph of the proposed minor and adoptive family is on record at Page Nos. 48 and 49.

11. Medical Examination of the proposed minor dated 1st January, 2019 is on record and it states "Overall observations about the child: Normal infant". The proposed Adopters have countersigned the said report. It is at page Nos.83 to 91 of the paper book. The HIV report of the minor dated 24th December, 2018 certifies the case as Negative. The said report is at page No. 92 of the paper book. The declaration of willingness by the prospective adoptive parents is on record at page Nos. 65 and 66.

12. As regards the change of name, the prospective adoptive parents desire that the minor 'Vishal' be renamed as "Vishal Prakash Bhalerao ". It is accordingly so ordered.

13. The Foster Care Affidavit dated 29th March, 2019 by the Prospective Adoptive Parents is on record at page Nos. 67 to 68. The undertaking to send follow-up report by the Authorities of Bal

Vikas Mahil Mandal, Latur, Maharashtra is on record at page No. 62.

14. The Indian Specialized Adoption Agency's (Bal Vikas, Mumbai) recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period up to 31st March, 2020.

15. Looking to all the documents that have been placed before me and after perusing the record, I think it would be in the interest of the child if he is adopted by the proposed Adopters. I, therefore, do not find any impediment in granting the reliefs sought for in the Petition.

16. In view of the foregoing discussion, the petition is allowed in terms of prayer clauses (a) and (b) which read thus:-

(a) This Hon'ble Court may be pleased to appoint the Adopters as adoptive parents of the person of a male minor Vishal @ Vishal Prakash Bhalerao now in the care and custody of the petitioner-Swti Bal Vikas, Shishu Bhavan, Malad (E), Mumbai-400 097; and

(b) That the Petitioners/Adopters be granted leave

to apply to the Municipal Authorities to issue within five working days of application a Birth Certificate of the minor Vishal @ Vishal Prakash Bhalerao showing the first Adopter Prakash Balaji Bhalerao as the adoptive father and his wife the second Adopter Mrs. Shila Prakash Bhalerao as the adoptive mother respectively.

17. The Judge's order is also separately signed.

18. It is directed that the petitioner institution shall obtain a further undertaking from the adoptive parents that they shall not give the minor child for further adoption, without the prior leave of this Court. Once this undertaking is obtained, a copy of the same shall be filed on the record of this Court.

19. It is further directed that the Fixed Deposit of Rs. 1,00,000/- (Rupees One Lakh) created in Oriental Bank of Commerce, Branch Latur and which matures on 1st July, 2029 shall be renewed, until the minor Vishal attains majority.

20. The Adoption Petition is accordingly disposed of.

(B.P. COLABAWALLA, J.)