

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

FOREIGN ADOPTION PETITION NO. 15 OF 2019

WITH

JUDGES ORDER NO. 83 OF 2019

IN

FOREIGN ADOPTION PETITION NO. 15 OF 2019

Children of the World India Trust

..Petitioner

v/s.

1) Ashutosh Arun Kumar Gholkar

2) Shibanee Panat Gholkar

..Proposed Adopters

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

Mr. O Hareendran, Scrutiny Officer of ICSW present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 2nd MAY, 2019.

P.C.

1. This Foreign Adoption Petition is filed for adoption of female minor "Pournima", born to an unmarried mother on 6th day of November, 2017. The biological mother had surrendered her daughter before the Child Welfare Committee, Thane on 7th

November, 2017 due to social reasons, and the child's safe custody was given to the Petitioner institution- Children of the World India Trust, Nerul, Navi Mumbai on the same day for a period of 3 months as per the order of Child Welfare Committee, Thane dated 7th November, 2017, under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission 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, Thane declared the proposed minor Pournima "Legally Free for Adoption" as on 28/09/2018. The Free for Adoption Order is on record.

3. The undertaking/affidavit by the Petitioner is on record.

4. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 25/03/2019 as per Adoption Regulations, 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption 1993, the same is on record.

5. The Proposed Adopters are American Nationals of Indian

origins (OCI Card holders) residing at California, U.S.A. both aged about 42 years, having been married for the past 14 years (28/01/2005) with one biological son “Om Ved Gholkar” aged about 9 years. His birth Certificate, consent letter, and Letter of sibling Rivalry by the adoptive parents are on record. The Family Photograph, Copies of Passport, and Certificate of Registration of OCI card of the Proposed Adopters are on record.

6. The health reports dated 26/04/2018 of the first proposed adopter is on record and it states, “He has a diagnosis of diabetes and hypertension and is being treated with medications. These diagnoses do not affect his ability to parent a child and he is in overall good health”. He was tested for HIV on 01/09/2017 and the result was negative.

7. The health reports dated 09/05/2018 of the second proposed adopter is on record and it states, “She has Hypothyroidism and is taking Levothyroxine and is under control. This diagnosis does not affect her ability to parent a child and she is in overall good health”. She was tested for HIV on 11/09/2017 and the result was negative.

8. The health reports dated 14/05/2018 of the biological son of

the proposed adopters is on record and it states, “Om Gholkar has been diagnosed with ADHD previously and has received Speech Therapy. He is otherwise healthy and do not see contraindications for the parents to adopt a child”.

9. The Prospective Adoptive Father is working as a Cloud and Identity Architect with ABM Industries, Texas, USA since 31/08.2011 and he earns approximately \$133,000 per year .

10. The Prospective Adoptive Mother is working as a Credentialing Representative with United Health Group, Inc since 26/09/2016 and her income for the year 2018 was \$10,543.19.

11. The U.S. Individual Income Tax Return 2017, Bank References/statements and Proof of Property is on are on record.

12. The childcare arrangement Plan declaration is on record.

13. The Home Study reports dated 17/04/2018 and 03/12/2018 by the authorities of Bal Jagat-Children’s World Inc. California, U.S.A. is on record and it states “The prospective Adoptive Parents will make wonderful parents to a child because of their emotional and financial stability, consistency, and love. All criminal clearances for this couple are on file and no history of child abuse or domestic

violence. After all assessment, the Adoption Social Worker recommends the prospective adoptive parents as parents to one minor to severe special needs child, female, ages 0-4 from India”.

14. The Psychological evaluation report by the Licensed Clinical Psychologist dated 06/03/2018 of the Proposed Adopters is on record and it states, “do not find any indications that Mr. & Mrs. Gholkar is not in stable psychological health, with capacity to parent and provide a safe and loving home for a child.”

15. The “Article 5” Letter dated 25/03/2019 from the Embassy of the United States of America is on record.

16. The child security letter/Guardianship Letter dated 28/04/2018 from the Prospective Adoptive mother’s cousin and her husband residing at California to look after the proposed minor in case of any unforeseen mishap to the Proposed Adopters is on record.

17. The H.I.V report of the proposed minor Pournima dated 05/03/2018 certifies the case as Non-Reactive.

18. The Post Card size photograph of the minor is on record.

19. The Medical Examination Report (MER) dated 29/06/2018 of the minor Pournima is on record and it states, “Active child”. The

proposed adopters have countersigned the said report.

20. As regards the change of name, the proposed adopter desire that the minor 'Pournima' be renamed as "Shanti Pournima Gholkar". Joint Declaration of willingness by the proposed adopters is on record.

21. The undertaking dated 13/06/2018 by the Authorized Foreign Adoption Agency "Bal Jagat-Children's World Inc." California, U.S.A. is on record.

22. The General Power of Attorney dated 07/11/2018 in favour of the Petitioner institution is on record.

23. The Indian Placement Agency (Children of the World India Trust, Navi Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 31.7.2019.

24. I have considered the petition, annexures thereto and the report dated 9th April, 2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked "X" for identification.

25. The other required documents are also on record. Therefore, I

find no impediment in granting the reliefs sought for in the petition.

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

27. 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.

28. Once Pournima is 18 years old, she may apply independently for 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.

29. 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.

30. All undertakings accepted.

(ANUJA PRABHUDESSAI, J.)