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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL & INHERENT JURISDICTION

INDIAN ADOPTION PETITION No. 46 of 2019
WITH
JUDGE'S ORDER No. 130 of 2019
IN
INDIAN ADOPTION PETITION No. 46 of 2019.

M.S.W.C. Asha Sadan Balgruh ...Petitioner.

And

1) Vishwajit Dattatraya Kunjir
2) Rekha Vishwajit Kunjir ...Proposed Adopters.

Mrs. Varsha Bhogle Deshmukh a/w Vrushali Jadhav, Advocate for
the Petitioner.

Mr O. Hareendran Officer of ICSW is present.

CORAM : B. P. COLABAWALLA, J.
DATED :- 25th July, 2019.

P.C. :-

This Indian Adoption Petition has been filed for the adoption of a female minor Rani Rai born on 7th August, 2014. The said minor was found abandoned by an NGO Apne Aap, Mumbai on 22nd June, 2018 and produced before the Child Welfare Committee on the same day. Subsequently, the child's safe custody was given to the Petitioner Institution on 22nd June, 2018 as per the Safe Custody

Order of the Child Welfare Committee. The said safe custody order is on record at page 20 of the paper book. The representation from the Indian Council of Social Welfare (“ICSW”) is also tendered before me and taken on record and marked “X” for identification.

2 After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Mumbai City-I, declared the proposed minor Rani Rai “**Legally Free for Adoption**” as on 09/01/2019. The Free for Adoption Certificate is on record at pages 21 and 22.

3 The Proposed Adopters are residing at Pune, Maharashtra aged about 54 and 42 years respectively. They have been married for the past 12 years (10/05/2007) with no biological children. The Family photograph is on record at page 101.

4 The Motivation Letter from the Proposed Adopters is on record and it states, “they have got married on 10th May, 2007 and all out efforts were put in through medical sources, but unable to give birth to a child due to medical problems and hence they decided to adopt a child”. The said Motivation Letter is on record at page 34.

5 The Decision of Adoption Committee dated 14/05/2019 is on record and it states “the prospective adoptive parents are suitable to adopt child Rani Rai born on 07/08/2014”. The said letter is on record at pages 18 and 19.

6 Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record at pages 109 to 114.

7 The Health Report of the prospective adoptive parents dated 09/05/2019 is on record and it states, “the health of the prospective adoptive parents do not disqualify them in parenting a child in anyway”. Their HIV I & II and Hepatitis B test reports certifies the case as 'Non Reactive'. The said reports are on record at pages 39 to 44.

8 The Prospective Adoptive father is working as an Upper Division Clerk with the Ammunition Depot, Ministry of Defence, Government of India since 12th June, 1985 and his monthly (April-2019) gross salary is Rs. 72,712/-. His Service Certificate, Pay slips for the month of February, March and April-2019 and Form No. 16

are on record at pages 47 to 50 and 65 to 70. The Prospective Adoptive Mother is a housewife.

9 The copies of PAN and Aadhar Card, proof of Property, residence and other supportive financial documents are on record at pages 36 to 38, 46 and 51 to 54.

10 The childcare arrangement undertaking is on record at pages 31 to 33.

11 The home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record at pages 71 to 78. The part II: Assessment report of the Social Worker of Snehankur Adoption Center, Ahmednagar (Home visit done 15/10/2016) is on record and its states is “ Mr. & Mrs. Kunjir a very caring couple and they are financially fit and able to look after a child. They are emotionally mature and financially stable. After all the assessment the social worker recommended the couple for adoption of a male or female child around 4-6 years of age”. The said report is at pages 79 to 86.

12 The child security undertaking dated 27/05/2019 given

by the Prospective Adoptive mother's Nephew and his wife residing at Solapur to look after the proposed minor in case of any unforeseen mishap to the Prospective Adoptive Parents is on record at pages 102 to 104.

13 The Post Cared Size Photograph of the minor is on record at page 24 of the paper book.

14 The Joint Declaration of consent & willingness and undertaking of the prospective adoptive parents are on record at pages 35 and 108 of the paper book.

15 The Medical Examination of the proposed minor Rani Rai dated 12/02/2019 is on record and it states "Normal mental development for age. A normal, healthy child" The proposed adopters have countersigned the said report which is produced on record at pages 95 to 99.

16 The HIV report of the proposed minor dated 27/02/2019 certifies the case as Non Reactive. The said report is on record at page 100 of the paper book.

17 The Pre-adoption foster care undertaking dated 21/05/2019 is also on record at pages 25 to 29 of the paper book.

18 As regards the change of name, the proposed Adopters desire that the minor '**Rani Rai**' be renamed as "**Sanvee Vishwajit Kunjir**". It is accordingly so ordered.

19 The undertaking dated 23/05/2019 from the authorities of Snehankur Adoption Center, Ahmednagar for furnishing post adoption follow-up reports is on record at page 30 of the paper book.

20 The Petitioner Institution's recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period up to 31/12/2018. However, the learned advocate appearing on behalf of the petitioner has stated before me that the Petitioner Institution has applied for renewal and in the interregnum the present Adoption Petition has been filed under the provisions of Regulation 24 (5) of the Adoption Regulations, 2017.

21 The proposed adoptive parents are also before me and have undertaken to this Court that they shall create a Fixed Deposit

in a Nationalized Bank in the name of the minor in the sum of Rs.1,00,000/- till the minor attains majority. The said undertaking is also accepted.

22 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 she is adopted by the proposed Adopters. I, therefore, do not find any impediment in granting the reliefs sought for in the Petition.

23. In view of the foregoing discussion, the petition is allowed in terms of prayer clauses (a) to (e) which read thus : -

- “(a) This Hon'ble Court may be pleased to appoint the Co-petitioners, Mr. Vishwajit Dattatraya Kunjir and Mrs. Rekha Vishwajit Kunjir, the adoptive parents of the male minor, Rani Rai @ Sanvee Vishwajit Kunjir in the care of the M.S.W.C. Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai-400 009;
- (b) That the Co-petitioners be allowed to change the name of the minor “Rani Rai” to Sanvee Vishwajit Kunjir”;
- (c) That the Co-petitioners may be granted leave to remove the aforesaid child from the jurisdiction of this Hon'ble Court and to take the minor along with them, i.e., to the Co-Petitioner's family wherever they may reside or their work may require them to;
- (d) That the Co-Petitioners, Vishwajit Dattatraya Kunjir and Mrs. Rekha Vishwajit Kunjir may be granted leave to make an

application to the passport authorities or any other authorities for the same;

- (e) That the concerned Municipal Corporations/the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days from the date of application of the Petitioners, as per the provisions of Regulation 35 of the Adoption Regulations, 2017.”

24. The Judges order is also separately signed.

25. 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, the same shall be filed on the record of this Court.

26. The Adoption petition is disposed of in the aforesaid terms.

(B.P. COLABAWALLA, J.)