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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. 40 of 2019

WITH

JUDGE'S ORDER NO. 115 of 2019

M.S.W.C. Asha Sadan Balgruh,
Asha Sadan Marg, Umerkhadi
Mumbai-400 009]
] **Petitioner.**

And

1) Bhavesh Shashikant Kini,]
age 45 years,]
]]
2) Manisha Bhavesh Kini,]
age 44 years,] **Co-Petitioners.**
Residing at Vile Parle (E)] **Proposed Adopters.**
Mumbai-400 057.]

Ms. Dipal Charandas S. Mehta for the Petitioner-Institution.
Mr. Hareendran, Scrutiny Officer of ICSW present.
Bhavesh Kini and Manisha Kini are present in Court.

CORAM : B. P. COLABAWALLA, J.

DATED :- 11th July, 2019.

P.C. :-

1. This Adoption Petition is for the adoption of a female
minor Pranjal born on 28th October, 2018 by Indian Nationals

(hereinafter referred to as “the proposed Adopters”). The said minor Pranjali was admitted to the petitioner institution on 6th November, 2018, as per the order of the Child Welfare Committee dated 12th November, 2018 under Section 36 (1) of the Juvenile Justice Act, 2015 (Care and Protection of Children) Act, 2015 (2 of 2016) read with rule 18 (4) of the Model Juvenile Justice Rules, 2016. The order of the Child Welfare Committee can be found at page 17. Subsequently, the biological mother of the said minor executed a Deed of Surrender before the Child Welfare Committee on 26th November, 2018 for the child's permanent rehabilitation. The representation of Indian Council of Social Welfare (ICSW) is tendered before me and taken on record and marked “X” for identification.

2. After making due enquiry under Section 38 of the Juvenile Justice Act, the Child Welfare Committee declared the proposed minor Pranjali legally free for adoption as on 18th February, 2019. The free for Adoption Order is on record at Page Nos. 18 and 19.

3. The proposed Adopters are residing at Vile Parle,

Mumbai, aged about 46 and 45 years respectively. They have been married for the past 20 years (15th December, 1998) with no biological children. The family photograph is on record at page No.34. The motivation letter from the proposed Adopters is also on record at page No.22.

4. The decision of the Adoption Committee dated 26th April, 2019 is on record and the Committee decided that the proposed Adopters are suitable to adopt the child Pranjal born on 28th October, 2018. Affidavit of the Chief Functionary of the Specialized Adoption Agency (petitioner) is also on record at page Nos. 124 to 129.

5. The Health Report of the prospective adoptive parents dated 25th April, 2019 is on record. It states that the health of the prospective adoptive parents does not disqualify them in parenting the child in any way. Their HIV I & II and HbsAG test reports certifies the case as Non-reactive. The said test report is at page Nos. 28 to 33.

6. The prospective adoptive father is providing consultancy services to Dynamic Security and Detective Agency Private Limited

(an Ex-Servicemen Enterprise), Mumbai since 1993 and his income for the Assessment Year 2018-19 is Rs.3,03,284/-. His Employment Certificate and Income Tax Returns for the years 2016-17, 2017-18 and 2018-19 are on record at page Nos. 43 to 59. The Prospective Adoptive Mother is self-employed and is a Teacher of Vastu Shastra and also takes tuitions at home and has earned Rs.3,07,437/- for the Assessment Year 2018-19. Her ITR-V Acknowledgement for the Assessment Years 2016-17, 2017-18 and 2018-19 are on record at page Nos. 60 to 82.

7. The proof of residence, bank statements and other supportive financial documents are on record at page Nos. 36, 37 and 83 to 87. The child arrangement undertaking is also on record at page Nos. 88 to 90.

8. The home study report Part I: Self Assessment by the prospective adoptive parents is on record at page Nos. 92 to 97. Part II Assessment Report of the Social Worker of St. Catherine's Home, Mumbai (Home visit done on 9th June, 2017) states that the prospective adoptive parents are in good physical and emotional state to take care of adoptive child, namely, Pranjal. After all

assessment, the Social Worker recommended the couple be considered for the adoption of a child as per their desire. Part II Assessment Report can be found at pages 98 to 103 of the paper book.

9. A child security undertaking dated 20th May, 2019 has also been given by the brother and sister-in-law of the prospective adoptive mother residing at Malad, Mumbai to look after the proposed minor Pranjali in case of any mishap to the prospective adoptive parents. This security undertaking can be found at page Nos. 121 to 123.

10. The post card size photograph of the minor is on record at page 21. The joint declaration of consent and willingness of the prospective adoptive parents are on record at page No.38. The pre-adoption foster care undertaking dated 8th May, 2019 is also on record at page Nos. 39 to 42.

11. The medical examination of the proposed minor Pranjali dated 6th March, 2019 is on record and it states that her mental development is normal for her age. She is a normal, healthy infant.

The proposed Adopters have countersigned the said report and can be found at page Nos. 114 to 118. The HIV report of the proposed minor certifies that the case as Non-reactive. The said report is on record at page No.119.

12. As regards the change of name, the proposed Adopters desire that the minor Pranjali be renamed as **“Aarya Bhavesh Kini”**. It is accordingly so ordered.

13. The undertaking dated 8th May, 2019 by the Authorities of St. Catherine's Home, Mumbai for furnishing post adoption follow-up reports is also on record at page No.120.

14. The petitioner Institution's recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period upto 31st December, 2018. However, the petitioner institution has applied for renewal and in the interregnum have filed this adoption petition under the provisions of Regulation 24 (5) of the Adoption Regulations, 2017.

15. The adoptive parents are also present before me and

they have undertaken to this Court that they will create a Fixed Deposit in the sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) in the name of minor Pranjal until she attains majority. The said undertaking is also accepted.

16. Looking to all the aforesaid documents that have been placed before me and considering all the material on record, I think it would be in the interest of the child if she is adopted by the prospective Adopters. I therefore find no any impediment in granting the reliefs sought in the petition.

17. In view of the aforesaid 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. Bhavesh Shashikant Kini and Manisha Bhavesh Kini as the adoptive parents of the female minor, Pranjal @ Aarya Bhavesh Kini, 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 from "Pranjal" to "Aarya Bhavesh Kini";

(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-Petitioners' family wherever they may reside or their work may require them to;

(d) That the Co-Petitioners, Bhavesh Shashikant Kini and

Manisha Bhavesh Kini may be granted leave to make an application to the passport authorities or any other authorities for the same; and

(e) That the concerned Municipal Corporation/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 Petitioner, as per the provisions of regulation 36 of the Adoption Regulations.

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

19. 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.

20. The adoption petition is accordingly disposed of.

(B.P. COLABAWALLA, J.)