

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS GENERAL & INHERENT JURISDICTION

INDIAN ADOPTION PETITION No. 39 of 2019  
WITH  
JUDGE'S ORDER No.112 of 2019

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

And

1)   Anand Bhalchandra Breed,     ]  
     age 37 years,                     ]  
                                           ]  
2)   Ananya Anand Breed,            ]  
     age 36 years,                     ]       Co-Petitioners.  
                                           ]Proposed Adopters.

Ms. Dipal Charandas S. Mehta for the Petitioners.  
Mr. Hareendran, Scrutiny Officer of ICSW present.

**CORAM : B. P. COLABAWALLA, J.**  
**DATED :- 11<sup>th</sup> July, 2019.**

**P.C. :-**

1.       This Adoption Petition is for the adoption of a female  
minor **Vasudha** born on 29<sup>th</sup> November, 2018 by Indian Nationals

(hereinafter referred to as “the proposed Adopters”). The said female minor was admitted to the petitioner-Institution on 5<sup>th</sup> December, 2018 as per the order of the Child Welfare Committee dated 10<sup>th</sup> December, 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. Subsequently, the mother of the said minor executed a Deed of Surrender before the Child Welfare Committee on 10<sup>th</sup> December, 2018 for the child's permanent rehabilitation. The representation of the Indian Council of Social Welfare (ICSW) is taken on record and marked “X” for identification.

2. After making due enquiry under Section 38 of the Juvenile Justice Act, 2015 the Child Welfare Committee declared the proposed minor Vasudha legally free for adoption as on 27<sup>th</sup> February, 2019. The free for Adoption Order is on record at page Nos. 18 and 19.

3. The Proposed Adopters are residing at Dombivli aged about 38 and 37 years respectively. They have been married for the past 10 years (23/11/2008) with no biological children. The Family photograph is on record at page No. 34.

4. The Motivation Letter from the Proposed Adopters is on record at Page No. 22 and it states they have tried to conceive naturally and undergone medical treatments under well-known doctors, but all attempts in that regard failed. Their decision to adopt is to provide an impoverished child with a happy home.

5. The Decision of Adoption Committee dated 14/05/2019 is on record and the committee decided that the Prospective Adoptive Parents are suitable to adopt child Vasudha born on 29/11/2018. This decision is on record at page Nos. 15 and 16.

6. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record at page Nos. 120 to 125.

7. The Health report of the prospective adoptive parents dated 11/05/2019 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 HBsAg test reports certifies the case as Negative". This report is at page Nos. 25 to 32.

8. Prospective Adoptive father is working as an Assistant

General Manager with Wockhardt Ltd., Mumbai since 20/06/2016 and his monthly (April 2019) gross salary is Rs.2,87,820/-. His Pay slip and Income Tax Returns for the years 2016-17, 2017-18 and 2018-19 are on record at 48 to 53.

9. The Prospective Adoptive Mother is working as a Technical Officer with ICMR-National Institute for Research in Reproductive Health, Parel, Mumbai since 01/11/2007 and her monthly (April 2019) gross salary is Rs.74,752/-. Her Income Tax Returns for the years 2016-17, 2017-18 and 2018-19 and Pay slips are on record at page Nos. 54 to 59.

10. The proof of residence, Bank statements and other supportive financial/property documents are on record at page Nos. 36 and 60 to 63. The childcare arrangement undertaking is on record at page Nos. 89 to 95.

11. The home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos. 89 to 95. The Part II: Assessment report of the Social Worker of Janani Ashish Charitable Trust, Dombivli (Home visit done 26/06/2017) is on record and it states that the prospective adoptive parents

are emotionally equipped to take care of the child. They are healthy, financially sound and well prepared for adoption. After all assessment the Social Worker recommended them for adoption of a child. Part II of the Study Report is on record at page Nos. 84 to 88.

12. The child security undertaking dated 20/05/2019 given by the brother and sister-in-law of the Prospective Adoptive mother residing at Ratngiri, Maharashtra to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents is on record at Nos. 112 to 114. Post Card Size Photograph of the minor is at page No. 21. Joint Declaration of consent & willingness of the prospective adoptive parents are on record at page No.37. The Pre-adoption foster care undertaking dated 20/05/2019 is at page Nos. 39 to 42.

13. The Medical Examination of the proposed minor Vasudha dated 19/03/2019 is on record and it states "Ears - BERA Test dated 09/03/2019: Left ears - Mild conductive hearing loss. Development milestones are normal for age. Overall observation: A normal, healthy infant". The proposed adopters have countersigned the said report which is at page Nos. 104 to 108 of

the paper book.

14. The HIV report of the proposed minor dated 15/03/2019 certifies the case as Non-Reactive. The said report is at page No.109.

15. As regards the change of name, the proposed Adopters desire that the minor 'Vasudha' be renamed as "Vanshika Anand Breed". It is accordingly so ordered.

16. The undertaking dated 11<sup>th</sup> May, 2019 by the authorities of Janani Ashish Charitable Trust, Dombivli for furnishing post adoption follow-up reports is on record at page No.120.

17. 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 the minor until she attains majority. The said undertaking is also accepted.

18. The petitioner Institution's recognition from the State Government to place children in adoption is valid upto 31/07/2018.

However, the learned Advocate appearing on behalf of the petitioner-Institution has stated that 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.

19. 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.

20. 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, Anand Bhalachanadra Breed and Ananaya Anand Breed as the adoptive parents of the female minor. Vasudha @ Vanshika Anand Breed, 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 "Vasudha" to "Vanshika Anand Breed";

(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 alongwith them, i.e. to the Co-Petitioners' family wherever they may reside or their work may require them to;

(d) That the Co-Petitioners, Anand Bhalchandra Breed and Ananya Anand Breed may be granted leave to make an application to the passport authorities or any other authorities for the same; and

(e) That the concerned Municipality / 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.

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

22. 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.

23. The adoption petition is accordingly disposed of.

**(B.P. COLABAWALLA, J.)**