

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS GENERAL & INHERENT JURISDICTION

FOREIGN ADOPTION PETITION No. 25 of 2019.

WITH

JUDGE'S ORDER No. 121 of 2019.

- | | | |
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| 1. | Shri Ganesh Shikshan Prasarak Mandal |] |
| | Priyadarshani Chowk Khadgaon Road, |] |
| | Latur-413512, Maharashtra State, |] |
| | through : Mr. Nikhil Bhagvat Badame |]Petitioner. |
| | Executive Officer |] |

And

- | | | |
|----|---------------------------------|------------|
| 2. | Yogesh Ravindra Gajare, |] |
| | Indian National, aged 41 years, |] |
| | |] |
| | |] |
| 3. | Yogini Yogesh Gajare, |] |
| | Aged 40 years, residing at |] |
| | above mentioned address. |]Proposed |
| | |]Adopters. |

Mr. Ajay Satalkar I/by Ashwini Deeliprao Andurkar for the petitioner.

Mr. O. Harendran, Scrutiny Officer of ICSW present.

CORAM : B. P. COLABAWALLA, J.

DATED :- 18th July, 2019.

P.C. :-

1. This Foreign Adoption Petition has been filed for adoption of a female minor “Kartiki” born on 13th November, 2018. The proposed Adopters are Indian Nationals, residing at Abu Dhabi, U.A.E.. The female minor Kartiki was admitted to the petitioner-Institution on 19th November, 2018 as per the order of the Child Welfare Committee, Latur City dated 21st November, 2018 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. Thereafter, the biological mother also executed a Deed of Surrender before the Child welfare Committee on 21st November, 2018 for permanent rehabilitation of the said minor. The admission order and the copy of surrender documents are on record at page Nos. 13 to 15 of the paper book. The representation of 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 Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Latur declared the proposed minor Kartiki, legally free for adoption as on 11th February, 2019. The free for adoption certificate is on record at page No. 16. The undertaking/affidavit by the Petitioner is also

on record at page Nos. 21 to 24.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued a No Objection Certificate dated 20/03/2019 to this adoption 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 said NOC is on record at page No. 30 of the paper book.

4. The proposed Adopters are Indian Nationals presently residing at Abu Dhabi, U.A.E., aged about 42 and 40 years respectively. They have been married for the past 15 years (27th June, 2004) with no biological children. Family Photograph and Passport copies of the proposed Adopters are on record at page Nos. 35 to 39.

5. The health reports dated 12/03/2019 of the proposed Adopters are on record at page Nos. 43, 44, 46 and 47. The said reports state that the proposed Adopters are medically fit and not suffering from any chronic illnesses.

Their HIV I & II and HBSAG test results show as Negative. The Psychological Testing Report of the proposed Adopters dated 12th March, 2019 is also on record and it states that on current clinical examination they both are psychologically fit to adopt a child. The said report is at page No.45 of the paper book.

6. The prospective adoptive father is working as a Mechanical Engineer with Nation Petroleum Construction Company, Abu Dhabi, UAE since 25th August, 2010 and his monthly salary is 26,393.60 AE Dirham. His salary slip is at page 48 of the paper book. The prospective adoptive mother is a homemaker. The Financial and property statement, bank references, proof of property and other supportive financial/investment documents are on record at page Nos. 49 to 68.

7. The home study report Part I: Self Assessment by the Prospective Adoptive parents is on record at page Nos. 78 to 86. The Home Study report Part II: Assessment Report of the Social Worker Mrs. Omana Menon, Dubai, UAE (Home visit done on 14th November, 2016) is on record and it states that the prospective adoptive parents are very stable and

straight forward with the right values and priorities which are important for the correct upbringing of a child. They are financially very well settled and both sides of the family are supportive and encouraging towards the couple's decision to adopt. The home environment was completely within the range of comfort required to bring up a child in a healthy and happy space. After all assessment, the Social Worker strongly recommended them for adoption of a child between the ages 0 to 12 months as per their wish. The said home study report is at page Nos. 87,88 and 118 of the paper book.

8. The Police Clearance Certificates dated 27th December, 2016 and 7th February, 2017 of the proposed Adopters from United Arab Emirates, Ministry of Interior is also on record at page Nos. 91 and 92.

9. The child security-undertaking from the sister and brother-in-law of the Proposed Adoptive mother residing at Nigdi, Pune to look after the proposed minor in case of any unforeseen mishap to the prospective Adopters is on record at page Nos. 93 and 94.

10. The H.I.V. I & II test report of the proposed minor dated 6th February, 2019 certifies the case as negative. The said report is at page No.105 of the paper book. The post card size photograph of the minor is at page No.108.

11. The Medical Examination Report (MER) of the minor dated 11th March, 2018 states, “No abnormalities. Overall observation of the child : Normal and Healthy”. The proposed Adopters have countersigned this report. The said report is at page Nos. 97 to 105. Pre-adoption Foster Care Affidavit dated 4th April, 2019 is also on record.

12. As regards the change of name, the proposed adoptive parents desire that the minor ‘**Kartiki**’ be renamed as “Eshani Yogesh Gajare”. It is accordingly so ordered.

13. The declaration of willingness and undertaking by the proposed Adopters is on record at page Nos. 109 to 116.

14. The undertaking dated 26th February, 2017 by Authorized Foreign Adoption Agency “Mrs. Omana Menon”, Dubai, UAE to submit follow up reports is also at page Nos.

119 and 120 of the paper book. A copy of the General Power of Attorney dated 13/03/2019 in favour of the Petitioner Institution is on record at Page Nos.122 and 123.

15. The petitioner Institution's recognition from the State Government to place children in adoption is valid for a period upto 31st January, 2019. However, it is stated before me that the petitioner Institution has applied for renewal, and in the interregnum, this adoption petition is filed under the provisions of the Adoption Regulations 2017.

16. 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.

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

(a) For the Adoption of the proposed female minor Kartiki @

Eshani Yogesh Gajare born on the 13th November, 2018 by the proposed adopters, under Section 41 of the Juvenile Justice Act, 2000 (as amended in 2006);

(b) For declaring the proposed Adopters as Adoptive parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor child Kartiki @ Eshani Yogesh Gajare, now in the care and custody of Shishu gruh of Shri Ganesh Shikshan Prasarak Mandal, Priyadarshini Chowk, Khadgaon Road, Latur-413512, Maharashtra; and

(c) That the proposed Adopters may be granted leave to remove the said minor Kartiki @ Eshani Yogesh Gajare, from the jurisdiction of this Hon'ble Court and to take the said minor to Abu Dhabi (UAE) or wherever they may reside in future.

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

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

Digitally signed
by Radhakishan
S. Ladda
Date:
2019.07.20
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(B.P. COLABAWALLA, J.)