

Ladda

Radhakishan
S. Ladda

Digitally signed by
Radhakishan S.
Ladda
Date: 2019.07.22
17:47:44 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS GENERAL & INHERENT JURISDICTION

INDIAN ADOPTION PETITION No.42 OF 2019

WITH

JUDGE'S ORDER No.122 OF 2019

Bal Asha Trust, Bal Asha Dham,]
Anand Niketan]
Dr. E. Moses Road, Mahalaxmi,]
Mumbai -11.]
Through its Authorised Signatory /Convenor]
Mr.Sunil Kumar Arora, aged 42 years]Petitioner

And

1) Prasad Dilip Pandkar,]
aged about 41 years,]
]]
2) Preshita Prasad Pandkar,]Proposed
aged about 39 years,]Adoptive
]Parents.

Mr. Rakesh Kapoor i/by M/s Rakesh K.L. Kapoor & Co. for the
petitioner.

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

CORAM : B. P. COLABAWALLA, J.

DATED :- 18th July, 2019.

P.C. :-

1. This Adoption Petition has been filed for adoption of a female
minor "IRA" born on 22/09/2018 by Indian Nationals. The female

minor “Ira” was admitted to the petitioner Institution Bal Asha Trust, Mumbai on 01/10/2018 as per the safe custody order of Child Welfare Committee, Mumbai City-I dated 01/10/2018 under section 36 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short, “the Juvenile Justice Act” and Rule 18 (4) of the Model Juvenile Justice Rules, 2016. The aforesaid order can be found at Page No. 18. Subsequently, the biological parents of the said minor “Ira” executed a Deed of Surrender before the Child Welfare Committee, Mumbai City-I on 03/10/2018 to ensure the child’s permanent rehabilitation. 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 the Juvenile Justice Act, 2015, the Child Welfare Committee, Mumbai City II declared the proposed minor “IRA” “Legally Free for Adoption” as on 18/03/2019. The Free for adoption certificate is on record at page No. 17.

3. The Prospective Adoptive Parents are residing at Pune aged about 41 and 39 years respectively. They have been married for the past 11 years (08/07/2008) with no biological children. The

Motivation Letter by the Prospective Adoptive Parents is on record at page No. 30 of the paper book.

4. The Decision of Adoption Committee dated 23/04/2019 is on record and it states, "The prospective adoptive parents are suitable for the child they reserved and hence the referral is approved" at page Nos. 15 and 16. Affidavit by the Chief Functionary of the Specialized Adoption Agency (petitioner) is also on record at page Nos. 127 to 129.

5. The prospective adoptive father is working as a Associate Professor with Bharati Vidyapeeth (College of Ayurved), Pune since June 2006 and his monthly (March 2019) gross salary is Rs.72,494/-. His salary certificate and Income Tax Return for the Assessment Years 2016-17, 2017-18 and 2018-19 are on record at page Nos. 37 to 47.

6. The prospective adoptive mother is working as Agriculture Supervisor with Department of Agriculture, Government of Maharashtra since 31/08/2004 and her monthly (March 2019) gross salary is Rs.46,214/-. Her salary certificate and Income Tax

Return for the Assessment Years 2017-18 and 2018-19 are on record at page Nos. 48 to 52.

7. The Copy of Aadhar and Pan Card, Proof of residence, Bank statements and other supportive financial documents are on record at page Nos. 21, 23, 31-32, 55-65. The childcare plan declaration/Affidavit by the prospective adoptive mother and her mother-in-law are on record at page Nos. 66 to 69.

8. The home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record page Nos. 70 to 80. The home study report part II: Assessment reports of the Social Worker of Society of Friends of the Sassoon Hospitals (SOFOSH) Pune (Home visit done on 29/06/2017 and 25/04/2019) are on record at page Nos. 81 to 96 and it states, "After all assessment and observation the Social Worker recommended that a child can be placed in adoption with the prospective adoptive parents, as they are very caring and are responsible. Both of them seem to share a strong and stable marital relationship and have financial stability. The couple has a positive outlook on adopting a child and do not seem to have any unrealistic expectations from the child."

9. The child security undertaking dated 26/04/2019 by the sister and brother-in-law of the prospective adoptive father residing at Pune to look after the proposed minor in case of any mishap to the prospective adoptive parents is also before me at page Nos. 112 and 113 respectively.

10. The medical examination of the proposed minor "IRA" dated 07/02/2019 is on record and it states, "BERA dated 31/01/2019 Normal, except for a mild elevation of the hearing threshold bilaterally. Over all Observation of the child: Ira is developmentally normal". The prospective adoptive parents have countersigned the the said report at page Nos. 118 to 124.

11. As regards the change of name, the prospective adoptive parents desire that the minor 'IRA' be renamed as "BHAGYADA PRASAD PANDKAR". It is so accordingly ordered.

12. The HIV test report of the minor dated 12/12/2018 certifies the case as Non-Reactive. The said report is at page No. 125. Post Card Size Photograph of the minor is on record at page No. 126. The joint consent and undertaking by the prospective adoptive parents

are on record at page No. 33 along with the Pre-adoption foster care undertaking dated 25/04/2019 at page 34 Nos. 36. The undertaking dated 11/05/2019 from the authorities of Society of Friends of the Sassoon Hospitals (SOFOSH) Pune for furnishing post adoption follow-up reports is on record at page No. 132.

13. The Indian Placement Agency's (Bal Asha Trust, Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period from 01/08/2014 to 31/07/2019.

14. The learned Counsel for the petitioner has stated before me that he has instructions from the prospective adoptive parents to make a statement that they shall create a Fixed Deposit in the sum of Rs.2,00,000/- (Rupees Two Lakhs) in a Nationalized Bank in the name of the minor till she attains the age of majority. The said statement is accepted as an undertaking given to this Court.

15. 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.

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

(a) That the Co-Petitioners be given the said child in adoption be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor BHAGYADA PRASAD PANDKAR, born on 22.09.2018;

(b) That the Co-Petitioners may be granted leave to remove the said minor from the Jurisdiction of this Hon'ble Court and to take the said minor out of the Jurisdiction of this Hon'ble Court whenever required;

(c) That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor BHAGYADA PRASAD PANDKAR born on 22.09.2018 and stating thereon that the Co-Petitioner as the Parents of the said minor;

(d) That the Co-Petitioners be allowed to change the name of

the minor from IRA to BHAGYADA PRASAD PANDKAR born on
22.09.2018;

17. The Judge's Order is also separately signed.

18. 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.

19. The Adoption Petition is accordingly disposed of.

(B.P. COLABAWALLA, J.)