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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. 43 of 2019
WITH
JUDGE'S ORDER NO. 124 of 2019**

St. Catherine's Home, Part of St.	]
Catherine's Society at Veera Desai	]
Road, Andheri (West), Mumbai.	]Petitioner
	]
And	]
	]
1) Sushil Jayprakash Gangwal,	]
age 48 years,	]
	]
2) Vidya Sushil Gangwal	]
aged 44 years,	]
residing at Belapur Road,	]Adoptive
Shrirampur, Ahmednagar.	]parents.

Mr. Rakesh Kapoor i/by M/s Rakesh 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 is for the adoption of a female
minor "Jyotika" born on 30th December, 2018 by Indian

Nationals. The biological mother of the female minor relinquished the child before the Child Welfare Committee, Mumbai on 18th January, 2019 and safe custody was given to the petitioner Institution as per the safe custody order dated 18th January, 2019. The said order is on record at page No.15. 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, Mumbai Suburban District, Government of Maharashtra declared the proposed minor JYOTIKA "Legally Free for Adoption" as on 25/03/2019. The Free for adoption order is on record at page No.14.

3. The prospective adoptive parents are residing at Ahmednagar, aged about 48 and 44 years respectively. They have been married for the past 21 years (18/05/1998) with no biological children. The motivation letter by the prospective adoptive parents is on record at page No.25.

4. The decision of Adoption Committee dated 17/04/2019 is on record at page No. 13. Affidavit by the Chief Functionary of the Specialized Adoption Agency is on record at page Nos. 84 to 86.

5. The Medical report of the prospective adoptive parents dated 30/04/2019 is on record and it states, "They are physically and mentally fit". Their HIV I & II and HbsAg test reports certify the case as Negative. The said test reports are at page Nos. 21 to 24.

6. The prospective adoptive father is a doctor by profession and his gross income for the Assessment Year 2018-19 is Rs.5,44,674/-. His Income Affidavit and Income Tax Return Acknowledgement for the years 2016-17, 2017-18 and 2018-19 are on record at page Nos. 33 to 37. Prospective adoptive mother is a housewife. The Copy of PAN card, Proof of residence, Aadhar Card and other supportive financial documents are also on record at page Nos.17, 19, 26, 27, 28 33 and 38 to 42.

7. The home study report Part I: Self Assessment by the prospective adoptive parents is on record at page Nos.43 to 50. The home study report Part II: Assessment report of the Social Worker of Snehalaya's Snehankur Adoption Center, Ahmednagar (home visit done on 20/05/2017) states that the prospective adoptive parents are a very caring couple and in good physical and emotional state to take care of a child. They are financially sound to welcome another member into their family. After all assessment, the Social Worker was of the view that the prospective adoptive parents are very caring and financially fit and able to look after a child and are eligible to adopt a child around 0-2 years of age whom they wish to adopt. Part II assessment report can be found at page Nos. 51 to 58 of the paper book.

8. A child security undertaking dated 30/04/2019 given by the brother and sister-in-law of the prospective adoptive father residing at Nashik to look after the proposed minor Jyotika in case of any mishap to the prospective adoptive parents is also on record at page No.72.

9. The medical examination of the proposed minor dated

02/04/2019 is on record and it states, "Jyotika is active child". The prospective adoptive parents have countersigned the said report and which can be found at page Nos.76 to 81. The HIV test report of the minor certifies the case as Negative. The said report dated 20/1/2019 is at page No.82 of the paper book.

10. As regards the change of name, the prospective adoptive parents desire that the minor "JYOTIKA" be renamed as "MAHI SUSHIL GANGWAL. It is accordingly so ordered.

11. The post card size photograph of the minor is on record at page No.83. The joint consent and undertaking by the prospective adoptive parents are on record at page Nos. 29 and 30. The Pre-adoption foster care undertaking dated 30/04/2019 is on record (page Nos.31 and 32). The undertaking dated 08/04/2019 by the Authorities of Snehalaya's Snehankur Adoption Center, Ahmednagar for furnishing post adoption follow-up reports is also on record at page No.89.

12. The Indian Specialized Adoption Agency's (St. Catherine's Home) recognition from the Women & Child Development, Maharashtra State to place children in adoption

is valid for a period upto 24/04/2020.

13. The proposed adoptive father is also present before me and has undertaken that he shall create a Fixed Deposit in a Nationalized Bank in the name of the proposed minor in the sum of Rs.50,000/- (Rupees Fifty Thousand) till she attains the age of majority. The said undertaking is accepted.

14. 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.

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

(a) That the prospective Adoptive Parents be given the said child in adoption be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor **Mahi Sushil Gangwal**;

(b) That the prospective Adoptive Parents 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 **Mahi Sushil Gangwal** born on 30.12.2018 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor; and

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from Jyotika to **Mahi Sushil Gangwal** born on 30.12.2018.

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

17. 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.

18. The Adoption Petition is disposed of in the aforesaid terms.

(B.P. COLABAWALLA, J.)