

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS GENERAL & INHERENT JURISDICTION

INDIAN ADOPTION PETITION No. 49 of 2019
WITH
JUDGE'S ORDER No. 142 of 2019

Radhakishan
S. Ladda

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Family Service Centre	]
Eucharistic Congress	]
Bldg. No.3.	]Petitioner.

And

1) Sachin Somani, 41 yrs.	]Prospective
2) Renu Somani, 38 yrs.	]Adopters.

Mr. Rakesh Kapoor I/by M/s Rakesh K.L. Kapoor &
Co. for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer of ICSW.

CORAM : B. P. COLABAWALLA, J.
DATED :- 8th AUGUST, 2019.

P.C. :-

1. This Indian Adoption Petition is filed for adopting a male minor **Dhruv** born on 5th November, 2018 by Indian Nationals. The said minor was found abandoned and taken charge of by the Malabar

Hill Police Station on 14th November, 2018 and admitted to the petitioner Institution on the same day as per the safe custody order of the Child Welfare Committee dated 15th November, 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. The said admission order of Child Welfare Committee, Mumbai is on record at page Nos. 1 and 2. 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 inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Welfare Committee, Mumbai City II declared the proposed minor Dhruv legally free for adoption as on 11th August, 2019. The free for adoption certificate is tendered before me and marked “X-1” for identification.

3. The prospective adoptive parents are residing at Goregaon, Mumbai, aged about 41 and 38 years respectively. They have been married for the past 13 years (04/12/2005) with one biological daughter “Rajnandini” aged about 9 years. Her birth

certificate, health report and consent letter are on record at page Nos. 31 to 33. The motivation letter by the prospective adoptive parents is on record and it states that though they were a happy and complete family, they started waiting for another child to join them. Even their biological daughter always felt a strong need for a sibling and now they wish to adopt a child to complete their family. The said motivation letter can be found at page No. 34 of the paper book.

4. The decision of the Adoption Committee dated 14th May, 2019 is on record and it states that the prospective adoptive parents are considered suitable to adopt the male child Dhruv born on 5th November, 2018. The said decision of the Adoption Committee can be found at page Nos. 13 to 15 respectively. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is also on record at page Nos. 133 to 135.

5. The Health Reports of the prospective adoptive parents dated 13th May, 2019 are on record and it states, "They are not suffering from any chronic illness or contagious disease". Their HIV I & II and Australia Antigen Test reports certifies the case as Negative. The said test reports are at page Nos. 25 to 30

respectively.

6. The prospective adoptive father is working as a Team Leader, Finance Reporting & Accounting with DBS Bank India Limited, Mumbai Branch since 28th December, 2015 and his monthly (April-2019) gross salary is Rs.3,62,623/-. His Employment certificate, Pay slip, Income Tax Returns for the Assessment Years 2017-18 & 2018-19 and Form No. 16 are also on record at page Nos. 50 to 65. The prospective adoptive mother is self employed (Creative Consultant) since February-2012 and her income for the Assessment Year 2018-19 is Rs. 9,03,849/-. Her Income Affidavit, Income Tax Return for the Assessment Years 2017-18 and 2018-19 and Form No. 16A are also on record at page Nos. 66 to 85. The copies of Aadhar and PAN Card, proof of residence, bank statements and other supportive financial documents are also on record at page Nos. 35 to 45, 86 to 89 respectively.

7. The child care plan declaration/Affidavit by the prospective adoptive mother and her mother-in-law and father-in-law are on record at page Nos.91 and 92.

8. The home study report Part I: Self Assessment by the

prospective adoptive parents is on record at page Nos. 93 to 100. Part II Assessment Report of the Social Worker of Bal Asha Trust, Mumbai (Home visit done on 9th January, 2018) is on record and it states that the couple is physically and emotionally prepared to adopt a child. They are well educated and having stable jobs. The immediate family members and their biological daughter also want a little brother and they all are supportive. After all assessment, the Social Worker recommended that a boy child up to 2 years can be placed in adoption with the prospective adoptive parents. This part II Assessment Report can be found at page Nos. 101 to 108.

9. A child security undertaking dated 17th May, 2019 by the brother and sister-in-law of the prospective adoptive mother residing at Malad, Mumbai to look after the proposed minor in case of any mishap to the prospective adoptive parents is on record and can be found at page Nos. 118 and 118A respectively.

10. The medical examination of the proposed minor Dhruv dated 22nd April, 2019 is on record and it states, "Normal and active child". The prospective adoptive parents have countersigned the said Medical Examination Report and can be found at page Nos. 123

to 130. The HIV test report of the proposed minor dated 19th April, 2019 certifies the case as Negative and the said report can be found at page No.131. The post card size photograph of the minor is on record at page No. 132.

11. As regards the change of name, the prospective adoptive parents desire that the minor 'Dhruv' be renamed as **"Yashvardhan Somani"**. It is accordingly so ordered.

12. The joint consent and undertaking by the prospective adoptive parents are on record at page Nos. 46 and 47. The Pre-adoption foster care undertaking dated 4th June, 2019 is also on record and can be found at page Nos. 48 and 49.

13. The undertaking dated 11th June, 2019 from the Authorities of Bal Asha Trust, Mumbai for furnishing post adoption follow-up reports is also on record at page No. 138.

14. The petitioner Institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period upto 31st July, 2019. 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. Though the proposed adoptive parents are not present before me, the learned Advocate appearing on behalf of the petitioner has stated that he has instructions on behalf of the proposed adoptive parents to state that they shall create investments in the name of the minor in the sum of Rs. 2 lakhs until he attains majority. Out of this amount of Rs. 2 lakhs, Rs. 1,50,000/- shall be put in a PPF Account and the balance amount of Rs.50,000/- will be invested with the Life Insurance Corporation of India. The said statement made on behalf of the proposed adoptive parents are accepted as an undertakings given to this Court.

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 he 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 aforesaid 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 **YASHVARDHAN SOMANI**;
- (b) That the Prospective Adoptive Parents may be granted leave to remove he 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 YASHVARDHAN SOMANI born on 05.11.2018 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 DHRUV to YASHVARDHAN SOMANI born on 05.11.2018.

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.)