

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS GENERAL & INHERENT JURISDICTION

INDIAN ADOPTION PETITION No. 48 of 2019

WITH

JUDGE'S ORDER No. 140 of 2019

Shraddhanand Mahilashram
Matunga C.R. East, Mumbai

]Petitioner

]]

1) Ashish Madhusudan Pawar
aged 40 years,

]Proposed
]Adopters

]]

2) Aditi Ashish Pawar
aged 34 years,

]]

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

Mr. O. Hareendran, Scrutiny officer present.

CORAM : B. P. COLABAWALLA, J.

DATED :- 1st August, 2019.

P.C. :-

1. This Adoption Petition is for the adoption of a female minor **AAYUSHI** born on 26th November, 2018 by Indian Nationals (hereinafter referred to as “the proposed Adopters”). The said minor Aayushi was admitted to the petitioner Institution on 30th

November, 2018 as per the safe custody order of Child Welfare Committee, Mumbai City II dated 17th December, 2018 under Section 36 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short “Juvenile Justice Act”). The biological mother of the said Aayushi executed a Deed of Surrender before the Child Welfare Committee, Mumbai City II on 24th December, 2018 for the child's permanent rehabilitation. 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 enquiry under Section 38 (1) of the Juvenile Justice Act, the Child Welfare Committee, Mumbai City II declared the proposed minor Aayushi legally free for adoption as on 29th July, 2019. The free for adoption certificate is tendered before me and taken on record and marked “**X-1**” for identification.

3. It has been stated before me that the prospective adoptive parents are residing at Pune. They are aged about 40 and 34 years respectively. They have been married for the past 10 years (12th December, 2009) with no biological children. The Family Photograph is also on record. The Motivation Letter from the proposed Adopters is also on record which states that they got

married in 2009 and were trying for a biological child throughout these years. However, due to medical reasons all their efforts were unsuccessful. In these circumstances, they have decided to adopt a child. The motivation letter of the proposed Adopters is also on record at page No. 32.

4. The Minutes of the Adoption Committee dated 4th June, 2019 is on record (at page No.15) which states that the proposed Adopters have been considered suitable to adopt Aayushi. Affidavit of the Chief Functionary of the Specialized Adoption Agency (petitioner) is also on record at page Nos. 111 to 113.

5. The Health Report of the prospective adoptive parents dated 7th June, 2019 is on record. It states that the prospective adoptive parents are found physically and mentally fit and not suffering from any constitutional illness, contagious disease or infirmity. Their HIV I & II and HbsAg test reports certify the case as Non-reactive. The said test reports are at page Nos. 25 to 32.

6. The prospective adoptive father is working as a Business Analyst with Syntel Pvt. Ltd. Pune since July, 2007 and from 31st May, 2017 he is on deputation to Syntel Europe Ltd., London, U.K.

and his monthly (April, 2019) net salary is GBP 3054.41. His salary slips, letter of deputation and income-tax returns for Assessment Years 2016-17, 2017-18 and 2018-19 are on record at page Nos. 39 to 50. The prospective adoptive mother is a homemaker. In support of the above, the copy of PAN card, proof of residence and other supportive financial documents are on record at page Nos. 34 and 51 to 74 respectively.

7. The home study report Part I, Self Assessment by the prospective adoptive parents is on record at page Nos. 75 to 79 of the petition. Part II Assessment Report of the Social Worker of Adhar, Nigdi, Pune (Home visit done on 2nd May, 2017) is on record and which states that the prospective adoptive parents are physically and mentally capable to take care of a child. Their financial position is sound to welcome another member in their family. After all assessment, the social worker recommended the couple for adoption of a healthy female child. Part II Assessment Report can be found at page Nos. 80 to 86 of the paper book.

8. A child security undertaking dated 7th June, 2019 has also been given by the cousin-sister and brother-in-law of the prospective adoptive mother residing at Pune to look after the

proposed minor Aayushi in case of any mishap to the prospective adoptive parents. This security undertaking can be found at page Nos. 96 and 97 respectively.

9. The medical examination of the proposed minor Aayushi dated 4th March, 2019 is on record and it states that her milestones are appropriate for her age. The prospective adoptive parents have countersigned the said report and can be found at page Nos. 102 to 108 respectively. The HIV report of the proposed minor dated 27th February, 2019 is on record at page No. 109 and certifies the case as Negative. The post card size photograph of the minor is also on record at page No.110.

10. The joint consent, willingness and undertaking of the prospective adoptive parents are also on record.

11. As regards the change of name, the proposed Adopters desire that the minor Aayushi be renamed as “**Ovee Ashish Pawar**”. It is accordingly so ordered.

12. The pre-adoption foster care undertaking dated 7th June, 2019 is on record at page Nos.37 and 38 of the paper book.

13. The petitioner's recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period upto 31st December, 2020.

14. The adoptive parents are not present before me. However, they have given instructions to the Advocate appearing for the petitioner that they will create a Fixed Deposit in the sum of Rs.2,00,000/- (Rupees Two Lakhs) in the name of the minor until she attains majority. The said undertaking is accepted.

15. 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 impediment in granting the reliefs sought in the petition.

16. In view of the aforesaid 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 **OVEE ASHISH PAWAR**, born on 26.11.2018;

- (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 **OVEE ASHISH PAWAR** born on 26.11.2018 and stating thereon that the Co-Petitioner as the Parents of the said minor; and
- (d) That the Co-Petitioners be allowed to change the name of the minor from **AAYUSHI** to **OVEE ASHISH PAWAR** born on 26.11.2018.

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.)