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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. 53 of 2019.
WITH
JUDGE'S ORDER No. 169 of 2019
IN
INDIAN ADOPTION PETITION No. 53 of 2019.

Helen Michael D'Souza] ..Petitioner.
Aged 46 yrs,]
w/o Late Michael Lazarus D'Souza]

**In the matter of Adoption of the male
minor ANSLEM MICHAEL D'SOUZA.**

—
Mr. Rakesh Kapoor for the Petitioner.
Mr O. Hareendran, Officer of ICSW present.

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CORAM : B. P. COLABAWALLA, J.
DATED :- 19th SEPTEMBER, 2019.

P.C. :-

1. This Indian Adoption Petition is for the adoption of a male minor **Anslem** born on 25th February, 2007. The said minor was an inmate of Missionaries of Charity, Mumbai. Initially, the Missionaries of Charity proposed the said minor in Guardianship to the Petitioner Helen Michael D'Souza and her late husband Mr. Michael Lazarus D'Souza. Accordingly, the Guardianship of the said

minor was granted to the said couple by an order dated 12th September, 2007 passed in Indian Guardianship Petition No.110 of 2007. It is in these circumstances, that the present Adoption Petition is now filed by the petitioner as per the provisions of Judgment of this Court dated 27th October, 1999 (Shri F.I. Rebello, J) and the judgment dated 11th April, 2018 (Shri G.S.Patel,J). 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. The petitioner is a practising Christian residing at Worli village Koliwada, Mumbai aged about 46 years. She was married to Mr. Michael Lazarus D’Souza on 26th January, 2000. They have no biological children. The said Mr Michael Lazarus D’Souza passed away on 4th June, 2017. However, in the meanwhile the petitioner as well as her husband Mr. D’Souza were appointed as guardians of the proposed male minor in the year 2007. The said minor is now aged about 12 ½ years. The order of Guardianship can be found at page Nos. 9 to 12 of the paper book. Similarly, the death certificate of Mr. Michael D’Souza is at page No.16 of the paper book.

3. The Joint Photograph of the Petitioner and the proposed

minor is on record. It can be found at page No. 15 of the paper book.

4. The health report of the petitioner dated 20.06.2019 states that she is medically fit and does not have any communicable diseases or terminal illness. She is physically fit and mentally sound to take care of her ward. The said health report can be found at page No.13 of the paper book.

5. The health report dated 20.06.2019 of the proposed minor states “Found him to be medically fit”. The said health report of the minor can be found at page No.14 of the paper book.

6. The Petitioner is working as an Attendant in the Division of Housekeeping with EIH Limited, Nariman Point, Mumbai since 19.02.1998 and her gross monthly (June-2019) salary is Rs.44,840/-. Her Pay slip for the month of June, 2019 and Income Tax Return for the Assessment years 2016-17, 2017-18 and 2018-19 are on record and can also be found at page No.17-20 respectively.

7. The financial documents and proof of residence and property are on record at page Nos. 21 to 35.

8. As per this Hon'ble Court's direction dated 12.09.2007 the Petitioner has invested Rs.61,577/- in L.I.C. of India in the name of the minor. It is at page No.35A of the paper book.

9. The Home Study Report dated 08.12.2018 by Ms. Clipsy Banji, BA, MSW, PGPDm is on record and it states that the Petitioner is physically and mentally fit and hails from a good and moral background. She earns a decent income and has properties in Mumbai and Goa. Her father is also a great pillar of strength and support to her, along with her brother and his newly married wife who have lent their support to her. After all assessment the social worker is of the view that the adoptive mother will continue to pull the reins of her family single handedly even as she juggles between her work while fulfilling the responsibilities of being both a father and mother to the proposed minor Anslem. This Home Study report can be found at page Nos.36-38 of the paper book.

10. The follow up Report of the proposed minor Anslem

dated 08.12.2018 is on record and it states that Anslem is an active child who has grown to be a very sensitive and understanding to his surroundings. He has adjusted to his new state of affairs of staying with a single mom, who is out at work during the day, while he spends half a day at school. He is enrolled in "Our Lady of Salvation High School" at Dadar and travels to school on his own in the BEST bus. He attends school from 8.00 am to 1.00 pm. The said follow up report is at page Nos.39 to 40 of the paper book.

11. Based on the Indian Guardianship Petition No.110 of 2007 granted on 12.09.2007 by this Court in the favour of the petitioner and the home visit report / progress report prepared report of the professional Social Worker, it is observed that the male child Anslem is well integrated into the Petitioner's family.

12. Looking to the all aforesaid documents that have been placed before me and considering all the material on record, I think it would be in the interest of minor Anslam if he is adopted by the petitioner. I therefore do not find any impediment in granting the reliefs sought in the petition. In

view of the aforesaid discussion, the petition is allowed in terms of prayer clause (a) and (b) which reads thus :-

(a) That this Hon'ble Court may be pleased to declare the petitioner as adoptive parents under the judgment of F.I. Rebello J. dated 27.10.1999 of the said mail minor **ANSLEM MICHAEL D'SOUZA** now under the guardianship custody with the Petitioner **Ms. Helen D'souza**; and

(b) That the Petitioner be granted leave to apply to the **Municipal authorities** to issue a **Birth Certificate** of the said male minor **ANSLEM MICHAEL D'SOUZA**, born on **25th day of February, 2007** and showing the Petitioner **Mr. [Late] Michael Lazarus D'Souza** and **Mrs. Helen Michael D'Souza** as **his Father and Mother**.

13. The Judge's Order to this effect is also separately signed.

14. It is directed that the petitioner shall furnish a further undertaking that she shall not give the minor child for further adoption without the prior leave of this Court. This undertaking shall be filed on the record of this Court within a period of four weeks from today.

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

(B.P. COLABAWALLA, J.)