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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS GENERAL & INHERENT JURISDICTION

Radhakishan  
S. Ladda

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**INDIAN ADOPTION PETITION No. 54 of 2019.**  
**WITH**  
**JUDGE'S ORDER No. 170 of 2019.**  
**IN**  
**INDIAN ADOPTION PETITION No. 54 of 2019.**

Family Service Centre, Eucharistic ]  
Congress Bldg. No. 3, 5 Convent ]  
Street, Colaba Mumbai 400 001. ]Petitioner.

And

1) Ravindra Marotrao Kuhikar ]  
age 39 years, Occup.service ]  
] ]  
2) Bhagyashali Ravindra ]  
Kuhikar, aged 37 years, ]Prospective  
Adoptive parents.

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

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**CORAM : B. P. COLABAWALLA, J.**  
**DATED :- 19<sup>th</sup> SEPTEMBER, 2019.**

**P.C. :-**

1. This Indian Adoption Petition is for the adoption of a female minor **Anushka** born on 1<sup>st</sup> March, 2019. The said minor was

found abandoned by Dahisar Police Station on 5<sup>th</sup> March, 2019 and was admitted to the petitioner institution Family Service Centre, Colaba, Mumbai on the same day as per the safe custody order of the Child Welfare Committee dated 5<sup>th</sup> March, 2019 under Section 36 (1) of the Juvenile Justice Act, 2015 and Rule 18 (4) of the Model Juvenile Justice Rules, 2016. The admission/Safe Custody order can be found at page No. 19 of the paper book. The representation of the Indian Council of Social Welfare (ICSW) is tendered before me which is 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 City II declared the proposed minor Anushka “Legally Free for Adoption” as on 1.08.2019. The Free for adoption Certificate is also on record at page Nos.17 and 18.

3. The Prospective Adoptive Parents are residing at Bangalore (Karnataka) aged about 39 and 37 years respectively. They have been married for the past 13 years (08.10.2006) with no biological children. The Family photograph is on record and can be found at page No.109.

4. The Motivation Letter by the Prospective Adoptive Parents is on record and it states that they always dreamed of being parents but were unable to have biological children due to medical reasons. They are aware that families are built in many ways and adoption is one of the positive ways of uniting with a child and adoption is a great option for becoming a family. The said Motivation letter can be found at page No.39 of the paper book.

5. The Decision of the Adoption Committee dated 06.08.2019 is on record and it states that the prospective adoptive parents are considered suitable to adopt the child Anushka born on 01.03.2019. The said decision of the Adoption Committee can be found at page Nos.13 to 15.

6. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is on record at page Nos.128 to 130.

7. The Health reports dated 31.07.2019 of the prospective adoptive parents are on record and it states that they do not suffer from any chronic, contagious or fatal disease and they are fit to

adopt a child. Their HIV I & II and AbsAg Test reports certifies the case as Negative. The said Health Reports are at page Nos. 25 to 38 respectively.

8. The Prospective Adoptive father is working as an Area Manager with PPG Asian Paints Limited, Bangalore since 04.12.2017 and his monthly (June-2019) gross salary is Rs.1,40,885.70/-. His Pay slips, Employment Certificate and Income Tax Return for the Assessment Years 2017-18 & 2018-19 are at page Nos.56 to 62 of the paper book. The Prospective Adoptive Mother is Homemaker.

9. The Copy of Aadhar and Pan Card, Proof of residence, Bank Statements and other supportive financial documents are also on record at page Nos. 23, 40,51, 63 to 75 respectively.

10. The home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos.76 to 82 of the paper book.

11. The home study report part II: Assessment reports of

the Social Worker of Paraspara Trust (Women and Child Rights Organization), Bangalore (Home visit done on 10.08.2019) is on record and it states that the prospective adoptive parents had a good and cordial relationship with relatives, friends and neighbors. They are found healthy and financially in a good position to look after the child. After the assessment, the Social Worker recommended that a baby (male/female) below the age of 2 years can be placed in adoption with the prospective adoptive parents. The Home Study Report Part II can be found at page Nos. 83 to 87 of the paper book.

12. The Child Security Undertaking dated 12.06.2017 by the sister and brother-in-law of the Prospective Adoptive mother residing at Thane to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents is on record. The said Child Security Undertaking can be found at page Nos.110 to 111.

13. The Medical Examination of the proposed minor dated 08.07.2019 is on record and it states that she is a normal and active child. The prospective adoptive parents have countersigned the Medical Examination Report and can be found at page Nos.118 to

125. The HIV test report of the minor dated 06.06.2019 certifies the case as Negative. The said report is at page No.126. A Post Card Size Photograph of the minor is on record at page No.127.

14. As regards the change of name, the prospective adoptive parents desire that the minor '**Anushka**' be renamed as "**Ishanvi Ravindra Kuhikar**". It is accordingly so ordered.

15. The joint consent and willingness by the prospective adoptive parents are on record and it states that they are willing to be appointed or declared adoptive parents of the female minor Anushka born on 01.03.2019. The said joint consent and willingness can be found at page Nos. 52 and 53 respectively.

16. The Pre-adoption foster care undertaking dated 10.08.2019 is on record and it states the proposed minor Anushka born on 01.03.2019 is in the foster care of the prospective adoptive parents from 10.08.2019. The said pre-adoption foster care undertaking can be found at page Nos. 54 and 55 of the paper book.

17. The undertaking dated 02.08.2019 from the authorities

of Paraspara Trust, Bangalore for furnishing post adoption follow-up reports is on record at page Nos.133 and 134.

18. The Indian Placement Agency's (Family Service Centre, 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. However, the Petitioner institution (Specialized Adoption Agency) has applied for renewal and in the interregnum filed this adoption application under the provisions of Regulation 24 (5) of the Adoption Regulations 2017.

19. The adoptive parents are not present before me. However, they have given instructions to the Advocate appearing for the petitioners that they will create a Fixed Deposit in the sum of Rs. 1,00,000/-(Rupees One Lakh) in the name of the minor until she attains majority. The said undertaking is accepted.

20. 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 **Anushka** if she 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) to (d) which reads 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 **ISHANVI RAVINDRA KUHIKAR**;
- (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 **ISHANVI RAVINDRA KUHIKAR** born on **01.03.2019** 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 **Anushka** to **ISHANVI RAVINDRA KUHIKAR** born on **01.03.2019**

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

22. 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.

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

(B.P. COLABAWALLA, J.)