

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS GENERAL & INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO. 56 OF 2019

WITH

JUDGE'S ORDER NO.173 OF 2019

St. Catherine's Home, part of]
St. Catherine's Society at]
Veera Desai Road, Andheri]
(West), Mumbai - 400 058]Petitioner.

AND

1) Gaurav Prabhakar Ghag]
2) Deepti Gaurav Ghag] Prospective
Adoptive-Parents

Mr. Rakesh K. L. Kapoor for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer of ICSW.

CORAM : B. P. COLABAWALLA, J.
DATE : 26th SEPTEMBER, 2019.

P. C. :

1. This Indian Adoption Petition is for the adoption of a female minor **Pritika** born on 26/03/2019. The biological mother surrendered her child before the Child Welfare Committee, Mumbai Suburban District on 08/04/2019 and the safe custody was given to the petitioner institution St. Catherine's Home, Mumbai on

the same day as per the safe custody order by the said Child Welfare Committee, Mumbai Suburban District dated 08/04/2019 under section 36 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 18 (5), 18(9) and 19(26) of the Model Juvenile Justice Rules, 2016. This safe custody order can be found at page No.16 of the paper book. The representation of the Indian Council of Social Welfare (ICSW) is also 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 Suburban District, Govt. of Maharashtra declared the proposed minor Pritika “Legally Free for Adoption” as on 20/06/2019. The Free for adoption order is on record and can be found at page No.15.

3. The Prospective Adoptive parents are residing at Pune aged about 37 and 36 years respectively. They have been married for the past 11 years (12/12/2008) with no biological children due to medical reasons. Infertility Certificate and Joint Family

Photograph are on record and can be found at page Nos.22 and 110 respectively.

4. The Motivation letter by the Prospective Adoptive Parents is on record and it states that they have always dreamed of being parents. However, for the last 11 years they are unable to have biological children. They are aware that families are built in many ways and adoption is the one of the positive ways for uniting with a child and complete the family. The said Motivation letter can be found at page No.33 of the paper book.

5. The Decision of the Adoption Committee dated 07/08/2019 is on record and it states the prospective adoptive parents are considered suitable to adopt the child Pritika born on 26/03/2019. This decision can be found at page Nos.13 and 14.

6. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is on record at page Nos.124 to 126.

7. The medical reports of the prospective

adoptive parents dated 23/08/2019 are on record and it states that they are fit to adopt a child. Their HIV I and II and HbsAg test reports, certifies the case as Non-reactive. The said medical reports are at page Nos.23 to 32 respectively.

8. The Prospective Adoptive father is working as an Assistant General Manager-Sales with Sky Moto Automobiles Pvt. Ltd., Pune since 07/08/2018 and his gross monthly (July-2019) salary is Rs.60,967.74/-. His salary slip and Income Tax Return Acknowledgment for the years 2017-18, 2019-20 and Form No.16 are on record and can be found at page Nos.60 to 74 respectively. The prospective adoptive mother is a housewife.

9. The copy of PAN Card, proof of residence, and other supportive financial documents are also on record and at page Nos.18, 20, 34 to 54, 75 to 80 respectively.

10. The home study report Part I : Self Assessment by the Prospective Adoptive Parents is on

record and can be found at page Nos.82 to 95 of the paper book.

11. The home study report part II : Assessment reports of the Social Worker Mrs. Vandana Patil authorized by the Love Trust For Indian Children in Need (India), Buldana (Home visit done on 20/07/2017 and 05/08/2019) are on record and it states that the prospective adoptive parents are in a good physical and emotional state to take care of an adopted child. They are financially sound to welcome another member of their family. After the assessment, the social worker recommended the couple to adopt a healthy female child as per their desire. The Home Study Report Part II can be found at page Nos.96 to 101 of the paper book.

12. The child security undertaking dated 16/08/2019 by the brother and sister-in-law of the prospective adoptive father residing at Thane 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.111 and 112.

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.116 to 121.

14. The HIV test report of the minor dated 08/04/2019 certifies the case as Negative and can be found at page No.112. A Post Card Size Photograph of the minor is on record and can be found at page No.123.

15. As regards the change of name, the prospective adoptive parents desire that the minor '**Pritika**' be renamed as "**Aadhira Gaurav Ghag**". It is accordingly so ordered.

16. 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 Pritika. The said joint consent and willingness can be found at page Nos.55 and 56 respectively.

17. The Pre-adoption foster care undertaking dated 21/08/2019 is on record and it states that the proposed minor Pritika born on 16/04/2019 is in the foster care of the prospective adoptive parents from 21/08/2019. The said pre-adoption foster care undertaking can be found at page Nos.57 to 59 of the paper book.

18. The undertaking dated 16/08/2019 of the Love Trust for Indian Children in Need (India), Buldana for furnishing post adoption follow-up reports is on record and can be found at page No.129.

19. The Petitioner Institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 24/04/2020.

20. 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.1,00,000/- in the

name of the minor until she attains majority. The said undertaking is accepted.

21. 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 minor 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 **AADHIRA GAURAV GHAG**;
- 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 **AADHIRA GAURAV GHAG** born on 26.03.2019 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 **PRITIKA** to **AADHIRA GAURAV GHAG** born on 26.03.2019;

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

23. 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.

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

(B. P. COLABAWALLA, J.)

Digitally signed
by
Radhakishan S.
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