

ORDINARY ORIGINAL CIVIL JURISDICTION

Radhakishan
S. Ladda

Digitally signed
by Radhakishan
S. Ladda
Date:
2019.09.27
11:05:34 +0530

INDIAN ADOPTION PETITION NO.55 OF 2019
WITH
JUDGE'S ORDER NO.172 OF 2019

Shraddhanand Mahilashram,]
Shraddhanand Road, Matunga]
C. R. East, Mumbai – 400 019]
...Petitioner/Applicant

AND

- 1) Anant Madhav Potdar
- 2) ~~Anushka Anant Potdar~~

...Prospective Adoptive Parents

Mr. Rakesh Kapoor i/by M/s. K.L. Kapoor & Co. 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 male minor Anish born on 24/01/2019. The said minor was admitted to the Petitioner institution Shraddhanand Mahilashram

on 02/02/2019 as per the order of the Child Welfare Committee, Mumbai City I dated 08/02/2019 under Section 36(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 read with Rule 18 (4) of the Model Juvenile Justice Rules, 2016. Thereafter the biological mother executed a Deed of Surrender before the Child Welfare Committee, Mumbai City II on 25/03/2019 for the child's permanent rehabilitation. The Admission order and Social Worker's final report are on record and can be found at page Nos.18 and 19 respectively. 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 the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Mumbai City II declared the proposed minor Anish "Legally Free for Adoption" as on 29/05/2019. The free for adoption Certificate is on

record and can be found at page No.16.

3. The Prospective Adoptive parents are residing at Pune aged about 48 and 43 years respectively. They have been married for the past 12 years (14/11/2007) with no biological children. The Family Photograph is on record and can be found at page No.122.

4. The prospective adoptive father was previously married on 04/07/2001 and divorced on 16/03/2006 with no issue from this marriage. The Divorce Decree is on record at page Nos.25 to 29. The prospective adoptive mother was previously married on 05/10/1994 and divorced on 26/09/2007 and has one biological son now aged about 24 years and his custody was given to his father by the Court. The Divorce Decree is on record and can be found at page Nos.30 to 35.

5. The Motivation letter from the Prospective Adoptive Parents is on record and it

states that they got married in the year 2007 and the adoptive mother conceived and in the 8th month of pregnancy she gave birth to a boy, but unfortunately they lost their son. They do not want to take any kind of treatment for having a biological child anymore and decided to adopt a child to complete their family. This Motivation Letter can be found at page No.39.

6. The Minutes of the Adoptive Committee dated 02/08/2019 is on record at page No.15 and it states that the prospective adoptive parents are considered suitable to adopt the child Anish born on 24/01/2019.

7. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) is on record at page Nos.115 to 117.

8. The Health reports of the prospective adoptive parents dated 31/07/2019 are on record at

page 36 to 38 and states that both are physically and mentally fit to do any normal activities. Their HIV I and II and HbsAg test reports, certifies the case as Non-reactive.

9. The Prospective Adoptive father is working as a Senior Associate – Quality with WNS Global Services Pvt. Ltd., Hadapsar, Pune since July, 2005 and his monthly gross salary (June 2019) is Rs.49,384/-. His pay slip, Compensation Review – 2019 and Tax Returns for the Assessment Years 2015-16, 2016-17 and 2018-19 are on record and can be found at page Nos.47 to 52.

10. The prospective adoptive mother is working as a Senior Associate with WNS Global Services Pvt. Ltd., Hadapsar, Pune since August, 2018 and her monthly gross salary (June-2019) is Rs.28,776/-. Her Pay slip, Compensation Review – 2019 and Form No.16 are on record and can be found at page Nos.53 to 60.

11. The copy of PAN and Aadhar cards, proof of residence, and other supportive financial documents are on record and can be found at page Nos. 20, 22, 40 to 42, 61 to 68 respectively.

12. The Childcare Arrangement declaration from the prospective adoptive parents is on record and can be found at page Nos. 93 to 97.

13. The home study report Part I: Self Assessment Report by the Prospective Adoptive Parents is on record and can be found at page Nos. 72 to 80.

14. The home study report part II : Assessment reports of the Social Worker of Society of Friends of the Sassoon Hospitals (SOFOSH), Pune (Home visit conducted on 09/06/2017) is on record and it states that after all the assessment of facts and observations, the social worker recommended that a child can be placed in adoption with the

prospective adoptive parents, as they are very caring and responsible. Both of them seem to share a strong and stable marital relationship and also have financial stability. The Home Study Report Part II can be found at page Nos.81 to 93.

15. The child security undertaking dated 01/08/2019 by the brother and sister-in-law of the Prospective Adoptive mother residing at Vashi, Navi 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.100 and 101.

16. The Medical Examination of the proposed minor Anish dated 11/06/2019 is on record and it states that he is normal till date. He is an active child. The prospective Adoptive Parents have countersigned the said report and the said report can be found at page Nos.106 to 112.

17. The HIV report of the proposed minor dated 04/05/2019 certifies the case as Negative and

can be found at page No.113. A Post Card Size Photograph of the minor is on record and can be found at page No.114.

18. 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 male minor Anish. The said joint consent and willingness can be found at page Nos.43 and 44 respectively.

19. The Pre-adoption foster care undertaking dated 03/08/2019 is on record and it states that the proposed minor Anish born on 24/01/2019 is in the foster care of the prospective adoptive parents from 03/08/2019. The said pre-adoption foster care undertaking can be found at page Nos.45 and 46.

20. As regards the change of name, the prospective adoptive parents desire that the minor 'Anish' be renamed as "ANISH ANANT POTDAR". It

is accordingly so ordered.

21. The undertaking dated 06/08/2019 of the authorities of Society of Friends of the Sassoon Hospitals (SOFOSH), Pune for furnishing post adoption follow-up reports is on record and can be found at page No.120.

22. The Petitioner Institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 31/12/2020.

23. 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 he attains majority. The said undertaking is accepted.

24. 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 minor if he is adopted by the adoptive parents. I therefore do not find any impediment in granting the reliefs sought in the petition.

25. 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 ANISH ANANT POTDAR, born on 24.01.2019.
- 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 ANISH ANANT POTDAR born on 24.01.2019 and stating thereon that the Co-Petitioner as the Parents of the said minor.
- d) That the Co-Petitioners be allowed to change the name of the minor from ANISH to ANISH ANANT POTDAR born on 24.01.2019.

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

27. 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.

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

(B. P. COLABAWALLA, J.)