

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

And

In its General and Inherent Jurisdiction

JUDGE'S ORDER NO.192 OF 2019

WITH

INDIAN ADOPTION PETITION NO. 62 OF 2019

Shraddhanand Mahilashram. ...Petitioner/Applicant

And

1. Omprakash Bokre

2. Nimisha Bokre ...Prospective Adoptive Parents

Mr.Rakesh Kapoor for the Petitioner.

Mr.O.Harendran, Scrutiny Officer of ICSW present.

CORAM : G.S. KULKARNI, J.

DATE : 8th November, 2019**P.C.:**

1. The petitioner -Shraddhanand Mahilashram, Mumbai, a registered social welfare organization and adoption centre and recognized as a Special Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act,2015 (for short 'the **Juvenile Justice Act**'), is before the Court in this Adoption Petition praying that adoption of the minor male child "Shresht" be given to the prospective adoptive parents Mr.Omprakash Bokre and Mrs.Nimisha Bokre residing at 179, Shraddha Shree Colony, Malviya Nagar, Indore, Madhya Pradesh, as per the provisions of Section 66 of the Juvenile

Justice Act. The prospective adoptive parents are resident Indians presently residing at Indore, Madhya Pradesh. The parents are registered on the Child Adoption Resource Information and Guidance System with the Registration No.Prma 7837755 and were directed by Central Adoption Resource Authority (CARA) to apply to the petitioner in whose care was minor 'Shresht'.

2. Minor Shresht was born on 26 February 2019 and the safe custody of minor was taken over by the petitioner on 1 March 2019 in pursuance of the order passed by the Child Welfare Committee, Mumbai, as the biological mother of Shresht had decided to relinquish the minor, as set out in the report of Ms.Aparna Mane, Social Worker, dated 22 May 2019 as addressed to the Chairperson, Child Welfare Committee, Umerkhadi, Mumbai. The prospective adoptive parents were married in the year 2008. and have no biological children and accordingly, took a decision to adopt a baby and complete their family. A motivation letter from the prospective adoptive parents are on record at page no.28.

3. The minutes of the Adoption Committee dated 19 July 2019 are placed on record, recording that the prospective adoptive parents are considered suitable to adopt the child Shresht. There is also an affidavit of of the Chief Functionary of the Specialized Adoption Agency interalia

stating that the minor child has been declared destitute and legally free for adoption on 22 May 2019 by an order passed under Section 36(3) of the Juvenile Justice Act. It is stated that no one has come forward to claim the said minor. Accordingly, the minor may be given for adoption to any suitable adoptive parents. It is stated that the adoption of the minor by the prospective adoptive parents would be certainly to the welfare of the said minor as he will be the beneficiary of parental love, basic comfort of life and an education. It is also stated that the prospective parents have now named the minor 'Shresht' as 'Siddhant Omprakash Bokre' and that there shall be no objection to the change of name by the prospective parents. The medical/pathology reports of the minor are placed on record indicating that HIV-I, HIV-II are in the negative. HBsAG is also negative and Creatinine is 0.31. The other medical examination report declaring that the minor child is clinically normal, is also placed on record being a report dated 11 June 2019 of the Honorary Medical Officer of the petitioner.

4. There is a Child Study Report dated 25 June 2019 and nothing adverse can be seen in this report. There is a Home Study Report dated 16 April 2017 signed by Asha Singh, Superintendent, Navdeep Child Welfare Centre, Sanjivani Seva Snagham, Indore and Mr. Shailendra Singh Patil (M.S.W.), stating that favourable

circumstances exists for the child to be taken for adoption by the adoptive parents. There are also references of neighbours with whom the concerned authorities preparing the report had interaction. The report interalia states that the adoptive parents have financial capacity to cater the needs of the child. It is certified that the understanding of the family members is good and the child on adoption would have a good future. The report accordingly wholeheartedly recognizes the adoption of the minor. The relevant bank statements and the salary certificate of the adoptive father is also placed on record. The employer's certificate is also placed on record to indicate that the prospective father Mr.Omprakash Bokre is working as Works Manager in Electrofront Transpower Pvt.Ltd. since March,2002. It is certified that he is hardworking team leader with a good technical knowledge and team spirit. Also a PAN Card, Aadhaar Card and details of the residence and other supportive financial documents are placed on record. There is also a child security undertaking dated 17 July 2019 by the brother and sister-in-law of the prospective adoptive father residing at Indore, Madhya Pradesh, to look after, maintain and educate the said child to the best of their ability in the event of unforeseen mishap/event, accident, death, illness, disability to the prospective adoptive parents. Pre Adoption Foster Care Undertaking dated 31 July 2019 is on record which states that the minor Shresht is in pre-adoption foster care of the

prospective adoptive parents from 31 July 2019. The petitioner institution's recognition from the Women and Child Welfare Department, Maharashtra State is upto 31 December 2020.

5. Having heard the learned Counsel for the petitioner and having perused the representation of Mr.O.Hareendran, Scrutiny Officer of Indian Council of Social Welfare which is marked at "X", and considering the documents placed on record, in my opinion, it would be in the interest of the minor child that the child is adopted by the proposed adopters. I find that there is no impediment in granting the reliefs as prayed for in the petition.

6. The petition is accordingly allowed in terms of prayer clauses (a) to (d) which read 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 mkinor SIDDHANT OMPRAKASH BOKRE.

(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 SIDDHANT OMPRAKASH BOKRE born on 26.02.2019 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed

to change the name of the minor from SHRESHT to SIDDHANT OMPRAKASH BOKRE, born on 26.02.2019.”

7. The Judges order is separately signed.
8. It is directed that the petitioner-institution shall obtain a further undertaking from the adoptive parents that they shall not give minor child in further adoption without prior leave of this Court. Copy of the undertaking be filed on the record of the Court.
9. Adoption petition is accordingly disposed of in the above terms.

[G.S. KULKARNI, J.]