

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
AND  
IN ITS GENERAL AND INHERENT JURISDICTION**

**INDIAN ADOPTION PETITION NO. 71 OF 2019  
with  
JUDGE'S order no.224 of 2019**

M.S.W.C. Asha Sadan Balgruh.                      ...Petitioner  
And  
1.Shailesh Yashwant Panchwagh  
2.Anuja Shailesh Panchawagh                      ...Proposed Adopters

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Mrs.Varsha B.Deshmukh, Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer, ICSW present.

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**CORAM :    G.S. KULKARNI, J.**

**DATE     :    18<sup>th</sup> DECEMBER, 2019**

**P. C.**

This is an Indian adoption petition, wherein M.S.W.C. Asha Sadan Balgruh, , Asha Sadan Marg, Umerkhadi, Mumbai, alongwith the proposed adoptive parents namely Mr.Shailesh Yashwant Panchwagh and Mrs.Anuja Shailesh Panchwagh, age 40 and 31 years respectively, who are residents of Plot No.09, Dwarakadish Ramkrushna, Paramhans Hsg.Soc., Near Vaibhav Oil Mill, Isbavi, Taluka-Pandharpur, Dist. Solapur, are before the Court praying that female minor **Shatakshi** born on 22 December 2017 be given in adoption to the adoptive parents.

2. Minor **Shatakshi** was born on 22 December 2017 and was admitted to the petitioner institution on 3 January 2018 as per the order passed by the Child Welfare Committee, Mumbai City-II. Thereafter, the biological mother executed a Deed of Surrender before the Child Welfare Committee, on 27 February 2019 for the child's permanent rehabilitation. After making due inquiry under Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 by an order dated 10 June 2019 the Child Welfare Committee declared the minor Shatakshi legally free for adoption.

3. The proposed adopters are residing at Pandharpur, District Solapur. They have been married for the past nine years (married on 21 May 2010) with no biological children. A family photograph of the adoptive parents is placed on record. A Motivation letter dated 3 July 2019 from the proposed adopters is placed on record thereby declaring that they do not have their own child for the reasons as set out and if the child be given in adoption, they will give all love, affection and good education to the child as if the child is their own and would take care of all the requirements by providing all good positive environment to the child. A decision of Adoption Committee dated 2 July 2019 is placed on record, recording that the prospective

adoptive parents are suitable to adopt the minor child. There is also an affidavit of the Chief Functionary of the Specialized Adoption Agency.

4. There is also a health report of the prospective adoptive parents dated 27 June 2019 certifying that the health of the prospective adoptive parents do not disqualify them in parenting a child in any way. The HIV Combo and HbsAG tests are also certified as negative.

5. As far as the adoptive father is concerned, he is self employed and being proprietor of an Electrical and Hardware Shop known as “Malhar Electrical and Works” at Pandharpur since 2014 and his projected net profit for the financial year 2017-2018 is Rs.3,04,982/-. The Business Registration Certificate and Financial Report by the Tax Consultant for the financial year 2015-16, 2016-17 and 2017-18 are placed on record. A copies of PAN card, bank statement and proof of residence as also income tax returns are placed on record. The adoptive mother is home maker.

6. A child care arrangement undertaking is also placed on record. A home study report Part I – Self Assessment by the prospective adoptive parents is placed on record. As also Part II-Assessment report of the Social Worker – Wasoodev Babajee Nowrungay Balakasharam of Pandharpur is placed on record, which records that the prospective

adoptive parents are physically, mentally, financially and emotionally capable to take care of the child and their decision to take a minor child in adoption is also supported by their family members and relatives.

7. A child security undertaking dated 16 July 2019 is also placed on record which is furnished by the Sister and brother-in-law of the prospective Adoptive mother residing at Solapur to look after the minor in case of any unfortunate mishap to the prospective Adoptive Parents. A post card size photograph of the minor is placed on record. There is joint declaration of consent and willingness of the prospective adoptive parents that they are willing to be appointed or declared as adoptive parents of female minor **Shatakshi**.

8. The medical examination report of the minor is dated 11 June 2019 as placed on record which records the minor to be a normal, and healthy infant. The medical report is also countersigned by the adoptive parents. The HIV report of the proposed minor dated 31 May 2019 certified to the case of non reactive. The child is already in the foster care of the adoptive parents since 17 July 2019.

9. There is also joint consent and willingness of prospective adoptive parents placed on record stating that they are willing to be

appointed or declared adoptive parents of female minor **Shatakshi**. There is also undertaking dated 24 July 2019 to send follow up reports by the authorities of Wasoodev Babajee Nowrungay Balakasharam, Pandharpur and also for furnishing post adoption follow-up reports.

10. The adoptive parents intend to change the name of the minor **Shatakshi** and desire that minor **Shatakshi** to be renamed as **Shatakshi Shailesh Panchwagh**.

11. There is a representation of Mr. O. Hareenran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, (marked 'X' for identification) dated 16 December 2019, setting out all the details in regard to the proposed adopters. The representation does not indicate anything adverse, for this court, not to permit the adoption in question.

12. At today's hearing the adoptive parents alongwith minor **Shatakshi** have remained present. I had good interaction with the adoptive parents. The child has already in their foster care since 17 July 2019. They were very happy on their decision to take minor **Shatakshi** in adoption. I could see their happiness and fulfillment in the interaction I had with them.

13. In the circumstances, I do not find any impediment in granting the reliefs as prayed for. Hence, the following order:-

### **ORDER**

1. The Indian Adoption Petition is allowed in terms of prayer clauses(a),(b), (c) (d) and (e) which reads thus:-

(a) This Hon'ble Court may be pleased to appoint the Co-petitioners, Mr. Shailesh Yashwant Panchwagh and Mrs. Anuja Shailesh Panchwagh, the adoptive parents of the female minor, Shatakshi @ Shatakshi Shailesh Panchwagh in the care of the M.S.W.C. Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai-400009;

(b) That the Co-Petitioners be allowed to change the name of the minor "Shatakshi" to 'Shatakshi Shailesh Panchwagh';

(c) That the co-petitioners may be granted leave to remove the aforesaid child from the Jurisdiction of this Hon'ble Court and to take the minor along with them, i.e. to the Co-Petitioner's family wherever they may reside or their work may require them to;

(d) That the Co-petitioners, Mr. Shailesh Yashwant Panchwagh and Mrs. Anuja Shailesh Panchwagh may be

granted leave to make an application to the passport authorities or any other authorities for the same;

(e) That the concerned Municipal Corporation/the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days from the date of application of the petitioners, as per the provisions of regulation 35 of the Adoption Regulations, 2017;

2. The Judge's order is separately signed.
3. The adoptive parents shall invest an amount of Rs. 1,50,000/- (Rs. One Lakh fifty thousand Only) in the name of the minor Shatakshi Shailesh Panchwagh by way of life insurance policy having single premium, which would have maturity on the minor attending majority.
4. The life insurance policy be placed on record within one month from today. Judges order be accordingly read.
5. The prospective parents are directed not to give the minor Shatakshi Shailesh Panchwagh in further adoption to any other person without the leave of the Court.
6. The Indian adoption petition is disposed of in the above terms.

**[G.S. KULKARNI, J.]**