

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

INDIAN ADOPTION PETITION NO. 64 OF 2019
WITH
JUDGE'S ORDER NO.205 OF 2019

M.S.W.C.Asha Sadan Balgruh.	...Petitioner/Applicant
And	
1.Bhagwat Vasantrao Chavan	
2.Sucheta Bhagwat Chavan	...Proposed Adopters

Ms.Dipal Mehta, for Petitioner.

Mr.O. Hareendran, Scrutiny Officer of ICSW.

CORAM : G.S.KULKARNI, J.
(in chamber)

DATE : 29 November, 2019

P.C.:

This is an Indian Adoption Petition whereby M.S.W.C.Asha Sadan Balgruh, a registered adoption center and a recognized specialized adoption agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act 2015 (for short, "**Juvenile Justice Act**") by the State of Maharashtra is before the Court alongwith Mr.Bhagwat Vasantrao Chavan, and his wife Mrs Sucheta Bhagwat Chavan, aged 40 years and 37 years respectively, praying for adoption of a female minor child named **Raksha**.

2. At the outset it needs to be observed that the child was accepted in pre-adoptive foster care by the adoptive parents. Both the adoptive parents had

attended today's hearing. They stated that they were very happy to have the minor child. I found the adoptive parents to be happy and satisfied in their decision to accept the minor child in adoption. The fulfillment and contentment of their wish to have child is clearly visible from my brief interaction with them.

3. The prospective adoptive parents are presently the residents of C/203, Giridhar Oasis Society, Thite Nagar, Kharadi, Pune and their permanent address is Flat No.B-14/303, Ashtavinayak Gruh Sankhul Phase-2, CHS Ltd., Adai, Ta: Panvel, Dist. Raigad. The prospective adoptive parents got themselves duly registered with the Child Adoption Resource Information and Guidance System and were also permitted by CARA to apply to the petitioner in whose care the minor child was placed. In a meeting held on 28 June 2019 the petitioner-institution had decided to give the child in adoption. The adoptive parents were also found eligible and suitable to adopt the minor child as per the criteria mentioned under the provisions of the Juvenile Justice Act and the Adoption Regulations.

4. The female minor child was admitted in the institution on 26 August 2018 by an order passed by the Child Welfare Committee. The minor was produced by her biological mother before the Child Welfare Committee on 27 August 2018 who surrendered the minor child in the protection, care and custody of the petitioner on 4 September 2018. By a further order dated 10 December 2018, considering the various circumstances, the minor child was declared free for adoption. Accordingly, as per the provisions of Section 38 of the Juvenile Justice Act, the child was handed over to the petitioner-institution to be given in adoption with a suitable family. The petitioner-institution based on the home study report decided to give the minor in

adoption to the proposed adoptive parents.

5. The petitioner was eligible to hand over the child in foster care to adoptive parents. The proposed adoptive parents are taking care of the minor from the date the petition was filed as if she is their own daughter. The proposed adoptive parents have declared that they are in a position to offer and give to the said minor parental love, care and warmth and education at all material time concerned with the welfare and benefit of the child.

6. All undertakings of the adoptive parents as per requirement of law are placed on record including the undertaking that they will inform the petitioner and the concerned State Adoption Resource Agency of any change in the address for the purpose of post adoption follow up.

7. The proposed adoptive father Mr.Bhagwat Vasantrao Chavan was married with Sucheta Bhagwat Chavan on 10 May 2007. Their marriage is valid and subsisting and they have no biological children born to them. They have agreed to take conscious decision to adopt a female child to complete their family. The proposed adoptive parents have executed a consent showing their willingness and readiness to take care of the minor child also as per Section 58(3) of the Juvenile Justice Act. The proposed adoptive father has a B.E. qualification and is employed as Delivery Module Lead with Mphasis Ltd. at Pune and has annual income of Rs.9,02,849/- as per the latest income tax returns. The proposed adoptive mother Sucheta Bhagwat Chavan is a MBA and is a home maker. The financial documents namely salary slips, I.T. Returns, letter of employment, Bank statement of accounts, policies etc. are placed on record. There is a home study report. The case of the adoptive parents is that the adoption is entire for the welfare of the minor and that

they are in a comfortable position to look after and bring up the said minor who will complete the petitioner's family. There is home study report of Mrs.Shoba Joshi of Vatsalya Trust, Alibaug Division dated 7 July 2017. There is another home study report dated 19 June 2019 of Bharatiya Samaj Seva Kendra, Pune. These reports find adoptive parents to be suitable persons to adopt the minor.

8. The proposed adoptive parents have also studied the medical reports of the child and they have fully accepted the said reports and thereafter decided to adopt the said minor as their child.

9. There is a declaration as made in the petition that there was no guardian appointed of the person or property of the said minor nor any application to that effect was filed in any court. It is also stated that the petitioner organization has no interest, direct or indirect, adverse to that of the minor. The adoptive parents are also not desirous of being appointed as guardian of any property of the minor and the conditions under Section 61(1) of the Juvenile Justice Act are complied.

10. I have perused the documents as placed on record as also I have interacted with the adoptive parents who have attended today's hearing alongwith the child. I have also gone through the report of Mr.O.Hareendran, Scrutiny Officer, Indian Counsel of Social Welfare Central Officer, Bombay, which is marked at "X". I am satisfied that the adoptive parents alongwith the minor would make a good family and that the adoption would be in the paramount well-being and welfare of the minor child, who would receive parental love and affection, from the adoptive parents who have decided to adopt the minor as their own child.

11. In the above circumstances, I find that all circumstances are favourable to grant the prayers as made in the petition.

12. The petition is accordingly allowed in terms of prayer clauses (a) to (e) which reads thus:-

(a) This Hon'ble court may be pleased to appoint the Co-petitioners, Bhagwat Vasant Rao Chavan and Sucheta Bhagwat Chavan as the adoptive parents of the female minor, Raksha @ Bhargavi Bhagwat Chavan, 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 from 'Raksha' to 'Bhargavi Bhagwat Chavan',

(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 alongwith them, i.e. to the Co-Petitioners' family wherever they may reside or their work may require them to,

(d) That the Co-petitioners, Bhagwat Vasant Rao Chavan and Sucheta Bhagwat Chavan may be granted leave to make an application to the passport authorities or any other authorities for the same,

(e) That the concerned Municipality/ 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 Petitioner, as per the provisions of regulation 36 of the Adoption Regulations,"

13. The adoptive parents shall open a Single Premium LIC Policy of Rs.2,00,000/- in the name of the minor child, having maturity after the minor

attains majority. The LIC Policy be taken out within two months from today.

14. Judge's order is separately signed.

15. The adoptive parents are directed not to give the minor Raksha in further adoption to any other person without the leave of the Court.

16. The adoptive parents shall from time to time submit to the petitioner a half yearly progress and development reports of the minor.

(G.S. KULKARNI, J.)