

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INDIAN ADOPTION PETITION NO. 66 OF 2019

Bal Asha Trust
And
Narendra Murlidhar Gangalwar & Anr. ...Petitioner/Applicant
...Prospective Adoptive Parents.

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

CORAM : G.S. KULKARNI, J.
DATE : 6th DECEMBER, 2019

P. C.

This is an Indian adoption petition, wherein Bal Asha Trust, Bal Asha Dham, Anand Niketan, Dr. E. Moses Road, Mahalaxmi, Mumbai-11 alongwith Mr. Narendra Murlidhar Gangalwar and his wife Mrs. Sonali Narendra Gangalwar, aged 42 and 36 years respectively, resident of Ward No.2, Kelod, Th. Saoner, District. Nagpur, are before the court praying that female minor Ahilya born on 23rd June 2018 to be given in adoption to the proposed adopters.

2. On 6th August 2018, the Child Welfare Committee passed an order permitting minor Ahilya to be placed in the custody of the petitioner trust. Thereafter, the biological parents executed a deed of surrender dated 10th May 2019 permitting the Child Welfare

Committee, Mumbai City II, in favour of the petitioner for the permanent rehabilitation of the child. The Child Welfare Committee after making an inquiry considering various circumstance as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'Juvenile Justice Act') readwith the rules on 17th July 2019, declared the minor Ahilya legally free for adoption.

3. The proposed adopters are residents of Saoner, District Nagpur and are married for last 12 years (date of marriage is 11th February 2007) with no biological children. The photographs of the proposed adopters is placed on record.

4. There is a motivational letter of the proposed adoptive parents which records that even before they got married, they had discussed of being parents and to have a child and that there is understanding that family can be built in many ways and that adoption is one of the ways to provide home, love and affection to a child which has been to deprived.

5. There is a decision of the adoption committee dated 23rd August 2019 recording that the adoptive parents are suitable for the child and the committee has decided to approve and accept the adoption of minor Ahilya by the proposed adopters. Affidavit to this effect by Chief

Functionary of the Specialized Adoption Agency dated 17th October 2019 is placed on record.

6. There are medical reports of both the adoptive parents. The medical report dated 10th August 2019 of the adoptive father records that he is physically fit, his HIV and Hepatitis B tests reports are certified to be in the negative. Medical report of the adoptive mother is also satisfactory that she is physically and mentally fit. Her HIV and Hepatitis B tests also are in the negative.

7. The adoptive father is working with the Maharashtra State Road Transport Corporation, Saoner Depot, Nagpur and his gross monthly (July-2019) salary is Rs. 24,662/-. His pay slips and Form 16 are placed on record. The prospective mother is also self employed being a LIC Agent and her income for assessment year 2019-20 is Rs. 2,98,520/-. Her income tax returns, Form 16A for the assessment years 2016-17, 2017-18 and 2019-20 are on record. Also the other details viz. copies of PAN Card, Aadhar Card, Proof of residence, bank statements and other supportive financial documents are on record. The prospective adoptive mother has also declared a child care plan, which is on record.

8. There is also a home study report Part-I, which is self assessment by the adoptive parents and Part-II report of the social worker of Ashirwad Indian Children Welfare Trust, Nagpur, on the basis of home visit undertaken on 17th August 2017, which records that the prospective adoptive parents are caring and a responsible couple. It is recorded that they both seem to share a strong and stable marital relationship. They are also financially secure and have overall good support from their relatives in their decision to adopt minor Ahilya. It is recorded that they are able to extend love, care and warmth to the baby girl and would also be able to provide and maintain a good standard of living and care to the minor if placed with them in adoption.

9. There is also a child security undertaking dated 9th August 2019 by the brother and sister-in-law of prospective father who are also residents of Saoner, Nagpur to look after the proposed minor in case of any mishap to the adoptive parents.

10. As regards the medical examination of the minor dated 23rd July 2019, it is recorded that minor Ahilya is found to be normal child and would have normal development. The adoptive parents have also counter signed the medical examination report. The HIV test report

dated 23rd October 2018 certifies the case to be nonreactive. The petitioner also placed a photograph of minor recorded at page-113.

11. There is also joint consent and willingness of prospective adoptive parents placed on record stating that they are willing to adopt minor Ahilya. Also there is a pre-adoption foster care undertaking dated 27th August 2019. It has been pointed out by the learned counsel for the petitioner that minor child Ahilya is in the foster care of the prospective adoptive parents. There is also undertaking to send follow up reports by the authorities of Ashirwad Indian Children Welfare Trust, Nagpur and for furnishing post adoption follow-up reports.

12. The adoptive parents intend to change the name of the minor Ahilya and desire that minor Ahilya to be renamed as Radhika Mahendra Gangalwar.

13. There is a representation of Mr. O. Hareenran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, (marked 'X' for identification), 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.

14. 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) and (d) which reads 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 Radhika Narendra Gangalwar born on 23.06.2018.

(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 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 Radhika Mahendra Gangalwar born on 23.06.2018 and stating thereon that the Co-Petitioner as the parents of the said minor.

(d) That the Co-Petitioner be allowed to change the name of the minor from Ahilya to Radhika Narendra Gangalwar born on 23.06.2018.

2. The Judge's order is separately signed.
3. The adoptive parents shall invest an amount of Rs. 1,00,000/- (Rs. One Lakh Only) in the name of the minor Radhika Narendra Gangalwar by way of life insurance policy having single premium, which would have maturity on the minor attaining 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 Ahilya 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.]