

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

INDIAN ADOPTION PETITION NO. 67 OF 2019

Indian Association for Promotion
of Adoption & Child Welfare

...Petitioner/Applicant

And

Prakash Yashwantappa Gadhawe
& Anr.

...Prospective Adoptive Parents

Ms. Lalita Jaya Raj, Advocate for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer.

CORAM : G.S. KULKARNI, J.
DATE : 16th DECEMBER, 2019

P. C.

This is an Indian adoption petition, wherein Indian Association for Promotion of Adoption & Child Welfare, 7 Kanara Brotherhood CHS. Ltd., Mogul Lane, Matunga, Mumbai-400 016, alongwith the proposed adopter Shri Prakash Yashwantappa Gadhawe and his wife Mrs. Swati Prakash Gadhawe, aged 49 and 43 years respectively, residents of House No. 84, Om Colony, Near Hanuman Mandir, Arni Road, Yavatmal-445001, Maharashtra, are before the court praying that female minor **Gayatri** born on 7th June 2019 be given in adoption to the proposed adopters.

2. On 12th June 2019, the Child Welfare Committee (CWC) passed an order permitting minor Gayatri to be placed in the custody of the petitioner trust, on the biological mother relinquishing the child before the CWC. Thereafter on an inquiry being undertaken and considering various circumstances, the CWC as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'Juvenile Justice Act') readwith the relevant rules, by an order dated 11th September 2019, declared minor Gayatri legally free for adoption.

3. The proposed adopters are residents of Arni Road, Yavatmal and are married for last 10 years (date of marriage 17th February 2009) with no biological children. The photographs alongwith the other relevant details of the proposed adopters are placed on record.

4. There is a motivational letter of the adoptive parents dated 11th October 2019 which records that they are unable to have biological children. It records that they are very much fond of children and accordingly decided to adopt a child to complete their family.

5. There is a decision of the adoption committee dated 22nd October 2019 recording that the adoptive parents are suitable to adopt the child and accordingly the committee decided to approve and

accept the adoption of minor Gayatri by the proposed adopters. Affidavit to this effect of the Specialized Adoption Agency to support of adoption of minor Gayatri dated 5th November 2019 is placed on record.

6. There are medical reports dated 11th October 2019 of both the adoptive parents. The medical reports record that on the basis of the history and present health condition of the adoptive parents, it is recommended that there is no impediment for the couple to parent an adopted child. Their HIV and Hepatitis B test reports certifies the case as Negative.

7. The proposed adoptive father is retired CRPF Havaladar, who has taken voluntary retirement with effect from 1st February 2012. He is presently a self employed farmer at his own agricultural land at Lohi, Dist. Yavatmal. His gross total income from Additional Treasury Office for the Assessment year 2019-20 is Rs. 2,05,865/- and the Agriculture income is Rs. 2,55,415/-. Office order from CRPF to that effect, self declaration of the income from agriculture and income tax returns for the assessment year 2019-20 are placed on record. Also the other details viz. copies of Aadhar Card, property declaration copies of bank deposit receipts, insurance certificates, bank statements are 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 Takshashila Bahuuddeshiya Shikshan Sanstha, Wardha, (Maharashtra), on the basis of home visit, which records that the proposed adoptive parents are emotionally equipped enough to take care of a child. They have mutual love, care respect and understanding for each other and a very positive attitude towards adoption. They are financially sound to welcome another member into their life. After an over all assessment, the social worker recommends the proposed adoptive to adopt a child.

9. There is also a child security undertaking dated 25th October 2018 made by the younger brother and sister-in-law of prospective father who are also residents of Nagpur, Maharashtra who have undertaken to look after the proposed minor in case of any unfortunate mishap to the adoptive parents.

10. As regards the medical examination of the minor dated 21st September 2019, it is recorded that minor Gayatri has overall normal growth and health status. The adoptive parents have also counter signed the medical examination report. The HIV test reports of the minor needs to be submitted. The petitioners have also placed on record a photograph of minor at page-56.

11. There is also a joint consent and willingness of prospective adoptive parents placed on record stating that they are willing to adopt minor Gayatri. Also there is a pre-adoption foster care undertaking dated 25th October 2019. It has been pointed out by the learned counsel for the petitioner that minor child Gayatri is in the foster care of the prospective adoptive parents with effect from 25th October 2019. There is also undertaking to send follow up reports by the authorities of Takshashila Bahuuddeshiya Shikshan Sanstha, Wardha, Maharashtra 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 **Anaya Prakash Gadhawe**.

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) dated 26th November 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. Also medical examination report of minor

Gayatri dated 27th November 2019 is placed on record (marked '-X-1' for identification).

14. At today's hearing the adoptive parents along with minor Gayatri have remained present. I had good interaction with the adoptive parents. The child is already in their foster care since 25th October 2019. They were very happy on their decision to take minor Gayatri in adoption. I could see their happiness and fulfillment in the interaction I had with them.

15. 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) and (b)) which reads thus:-

(a) This Hon'ble Court may be pleased to appoint the Adopters as Adoptive Parents of the person of female minor 'GAYATRI @ ANAYA' now in the legal care and custody of the Petitioners:- I.A.P.A., Matunga, Mumbai-400 016.

(b) That the Adopters/Petitioners be granted leave to apply to the Municipal Authorities to issue a Birth Certificate of the female minor GAYATRI @ ANAYA showing the first adopter PRAKASH YASHWANTAPPA

GADHAWE as the adoptive father and his wife SWATI PRAKASH GADHAWE the second adopter as the adoptive mother respectively.

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 Anaya Prakash Gadhave 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 Gayatri 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.]