

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

INDIAN ADOPTION PETITION NO. 69 OF 2019

Shree Manav Seva Sangh	...Petitioner/Applicant
And	
Satheesh Kumar A. & Anr.	...Prospective Adoptive Parents.

Mr. Rakesh K.L.Kapoor, 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 Shree Manav Seva Sangh, 255-257 Sion Main Road, Sion West, Mumbai-400 022 alongwith the prospective adoptive parents Mr. Satheesh Kumar A. and his wife Mrs. Reena K., aged 35 and 33 years, the prospective adoptive parents who are resident of Flat 304, 4th Cross, Doddiah Layout, Nanjappa Garden, Babusapalya Bangalore- 560 034, are before the Court praying that Male minor **“Parth”** born on 17th April 2019 to be given in adoption to the proposed adopters.

2. The minor’s biological mother relinquished minor Parth before the Child Welfare Committee on 22 April 2019 and accordingly safe custody of the minor was given to the petitioner institution. After

making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'Juvenile Justice Act') the Child Welfare Committee, Mumbai City II declared minor Parth legally free for adoption as on 19 July 2019. A Certificate to that effect dated 19 July 2019 is placed on record.

3. The proposed adopters are residents of Bangalore and are married for last 4 years (date of marriage is 08 May 2015) with no biological children. The photograph of the proposed adopters is placed on record.

4. The adoptive parents being desirous of adopting a child have placed on record a motivational letter (page-27) *inter-alia* recording that they always desired to be parents and it would be very important for them to have a child who would bring happiness to them as also their family is completed. They have also given an undertaking that they will accept the child as their own.

5. There is a decision of the Adoption Committee dated 15 October 2019 recording that the adoptive parents are suitable for adoption of minor Parth. There is also Affidavit of Chief Functionary of the Petitioner-Specialized Adoption Agency dated 18 October 2019 as placed on record.

6. In so far as adoptive parents are concerned, their health report dated 10 October 2019 is on record, certifying that both of them are healthy. Their HIV I & II and HbsAg test reports certify the case as Negative. The prospective adoptive father is working as a Tech Lead with Honewell Tech Solutions, Bangalore since 27 September 2019 and his monthly (July 2019) gross salary is Rs. 1,15,304/- as seen from the pay slip. Letter of Appointment, Form No. 16 and Tax Returns 2016-17, 2017-18 and 2018-19 are on record. The proposed adoptive mother is working as a Senior Associate-Projects with Cognizant Technology Solutions India Private Ltd., Bangalore since 09 May 2016 and her monthly gross salary is Rs. 95,058/-. Her salary certificate, Letter of Appointment and Form No. 16 are also on record. Pan Card copies, Proof of residence, LIC certificate and Bank Statements of the adoptive parents are also placed on record. They have also declared a child care arrangement plan, which is on record.

7. There is also a home study report Part-I, which is a self assessment by the prospective adoptive parents, Part-II assessment report is by the Social Worker of St. Michale's Home/Convent, Bangalore on the basis of home visit undertaken on 24 July 2017, which records that the couple is emotionally healthy and strong to take care of the child. They have strong social and financial support to

look after the child now and in future and their families are happy and helpful. The social worker has recorded that the prospective adoptive parents are favourably assed to adopt a healthy boy child in the age group of 0-2 years.

8. There is also a child security undertaking dated 12 October 2019 made by the sister of the prospective adoptive mother who is residing at Virudhunagar, Karnataka to look after the proposed minor in case of any mishap to the adoptive parents.

9. As regards the medical examination report of the minor dated 10 September 2019, it certifies that minor Parth is physically and mentally normal. The adoptive parents have examined the medical examination report of the minor and have also countersigned the said report. The HIV test report of the minor Parth dated 27 April 2019 certifies the case to be negative. The photograph of the minor is also placed on record.

10. There is also a joint consent and willingness of prospective adoptive parents stating that they are willing to adopt minor Parth. Also there is a pre-adoption foster care undertaking dated 12 October 2019. It has been pointed out that, with effect from said undertaking minor child Parth is in the foster care of the adoptive parents. There is

also an undertaking dated 09 October 2019 from the authorities of St. Michale's Home/Convent, Bangalore for furnishing post adoption follow-up reports.

11. The adoptive parents intend to change the name of the minor Parth and desire that minor Parth be renamed as **S. R. Tanvik**.

12. The petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption was valid up to 31 December 2018. However, the petitioner institution has applied for renewal and has filed the adoption petition as permissible under the provisions of Regulation 24(5) of the Adoption Regulation 2014.

13. There is a representation of Shri. O. Hareendran, 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 above 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 the following terms of prayer clauses [a], [b], [c] and [d] which reads thus:-

[a] That the Prospective Adoptive Parents be given the said child in adoption and be declared as parents having all parental legal rights, privileges and responsibilities over minor Parth who is intended to be named as **S. R. Tanvik**

[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 S. R. Tanvik born on 17.04.2019 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

[d] That the Prospective Adoptive Parents are allowed to change the name of the minor from PARTH to S. R. TANVIK born on 17.04.2019.

2. Judge's order is separately signed.

3. The adoptive parents shall invest an amount of Rs. 1,50,000/- (Rs. One Lakh Fifty Thousands Only) in the name of the minor S. R. Tanvik 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 minor Parth 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.]