

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

INDIAN ADOPTION PETITION NO. 68 OF 2019

Shraddhanand Mahilashram	...Petitioner/Applicant
And	
Prashant Shashikant Nilakhe & Anr.	...Prospective Adoptive Parents

Mr. Rakesh Kapoor i/b M/s Rakesh K. L. Kapoor & Co., 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, whereby the petitioner Shraddhanand Mahilashra, Shraddhanand Road, Matunga C. R. East, Mumbai, alongwith Mr. Prashant Shashikant Nilakhe and his wife Mrs. Anita Prashant Nilakhe, aged 37 and 40 years respectively, residents of B-103, Shivegoraksha Vihar, Telco Colony, Datta Nagar, Pune-411046, Maharashtra, are before the court praying that male minor Punit born on 3rd February 2019 to be given in adoption to the proposed adopters.

2. On 11th February 2019, the Child Welfare Committee passed an order permitting minor Punit to be placed in the custody of the

petitioner trust. Thereafter, the biological mother executed a deed of Surrender dated 27th February 2019 before the Child Welfare Committee for permanent rehabilitation of the child. The Child Welfare Committee after making an inquiry considering various circumstances as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'Juvenile Justice Act') readwith the rules as declared the minor Punit legally free for adoption on 19th June 2019.

3. The proposed adopters are residents of Pune and are married for last 6 years (date of marriage is 12th May 2013) with no biological children. The photograph of the proposed adopters is placed on record.

4. There is a motivation letter of the proposed adoptive parents which records that they got married on 12th May 2013 and have no biological children. Both of them always dreamed of being parents and now decided to adopt a child.

5. There is a decision of the adoption committee dated 5th October 2019 recording that the prospective adoptive parents are considered suitable to adopt child Punit and the committee has decided to approve and accept the adoption of minor Punit by the proposed

adopters. The Minutes of the Adoption Committee dated 5th October 2019 are on record which record that the prospective adoptive parents are considered suitable to adopt child Punit. There is also an affidavit by Chief Functionary of the Specialized Adoption Agency to support of adoption of minor Punit dated 22nd October 2019.

6. There are health reports dated 4th October 2019 of both the adoptive parents. The medical reports state that both are physically and mentally fit to discharge their role as parents of the child being taken in adoption. Their HIV I and II and HBsAG test reports certifies the case as Non-reactive.

7. The proposed adoptive father is working as a Manager with Perrfect Decor, Pune since 2003 and his gross monthly salary is Rs. 41,423/-. His employment/salary certificate and Form No. 16 are on record. His wife is a homemaker. Also the other details viz. PAN and Aadhar cards, proof of residence and other supportive financial documents are placed on record.

8. There is also a home study report Part-I, which is a self assessment report by the adoptive parents and Part-II report of the social worker of Society of Friends of the Sassoon Hospitals (SOFOSH), Pune, which records that the prospective adoptive parents

are very caring and responsible and seem to share a strong and stable marital relationship. They are financially stable and have a positive outlook on adopting a child. They would be able to extend affection and warmth to the child and the couple will be able to provide and maintain a decent standard of living to the child placed with them in adoption. On the assessment of all the facts and observations, the social worker recommends that a child can be placed in adoption with the prospective adoptive parents.

9. There is also a child security undertaking dated 12th October 2019 by the sister and brother-in-law of the prospective father who are also residents of Pune, Maharashtra to look after the proposed minor in case of any mishap to the adoptive parents.

10. The medical examination of the minor is of dated 3rd July 2019, containing a remark NB : “Milestones appropriate for age”. The adoptive parents have also counter signed the medical examination report. The HIV test reports of the minor dated 4th July 2019 certify the case as negative. The petitioners have also placed on record a photograph of the minor.

11. 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 male minor Punit. Also there is a pre-adoption foster care undertaking dated 10th October 2019. It has been pointed out by the learned counsel for the petitioner that minor child Punit is in the foster care of the prospective adoptive parents since 10th October 2019. There is also an undertaking dated 9th October 2019 to send follow up reports by the authorities of Friends of the Sassoon Hospitals (SOFOSH), Pune, Maharashtra and for furnishing post adoption follow-up reports.

12. The adoptive parents intend to change the name of the minor Punit and desire that minor Punit to be renamed as **Bhargav Prashant Nilakhe**.

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 27th 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.

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 and be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor Bhargav Prashant Nilakhe, born on 03.02.2019.

(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 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 Bhargav Prashant Nilakhe born on 03.02.2019 and stating thereon that the Co-Petitioner as the parents of the said minor.

(d) That the Co-Petitioners be allowed to change the name of the minor from Punit to Bhargav Prashant Nilakhe born on 03.02.2019.

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 Bhargav Prashant

Nilakhe 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 Punit 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.]