

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

and
In Its General and Inherent Jurisdiction

FOREIGN ADOPTION NO. 48 OF 2019

with
Judge's Order no.234 of 2019

1.Smt.Narsabai Mahila Mandal's ShishugruhPetitioner

AND

1.Subramaniam Krishnamurthi Iyer

2.Vishakha Vishwas MulayProposed Adopters

Mr. Rakesh K.L.Kapoor, Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer ICSW present.

CORAM : G.S. KULKARNI, J.

DATE : 18th DECEMBER, 2019

P. C.

This is a foreign adoption petition wherein Smt.Narsabai Mahila Mandal's Shishugruh, Wadgaon, Geeta Nagar, Anand Nagar, Nanded, Maharashtra, the petitioner which is a recognized agency for adoption having been so recognized by State Government as well as Central Adoption Resource Authority (CARA), New Delhi, are before the Court alongwith the co-petitioners Mr.Subramaniam Krishnamurthi Iyer and Mrs.Vishakha Vishwas Mulay, who are residents of People's Republic of China, having their address Flat no.4206, 42nd floor, Building No.A5, Block No.277, Linhe East Road, Linhe Yuan, Guangzhou, People's Republic of China, praying that female minor **Prasanna @ Ananya**

Subramaniam Iyer born on 16 July 2018 be granted in adoption to the proposed adopters.

2. Minor **Prasanna** by an order dated 14 August 2018 passed by the Child Welfare Committee, Nanded was admitted to the petitioner institution. Thereafter, on 6 May 2019 the biological mother relinquished her child before the Child Welfare Committee for permanent rehabilitation.

3. After making due inquiry under Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015, by an order dated 11 July 2019 passed by the Child Welfare Committee, minor Prasanna was declared legally free for adoption. A certificate dated 11 July 2019 to that effect is placed on record at page 14 and 15 of the application. There is also a no objection certificate dated 30 August 2019 issued by Central Adoption Resource Authority (CARA), New Delhi, permitting adoption as per the Adoption Regulations 2017.

4. In regard to the proposed adopters, they are Indian nationals, however, they are presently residents of People's Republic of China. They were married on 21 January 2010 and have no biological children. The photograph of the proposed adopters alongwith the health report of the proposed adopters dated 18 August 2019 are

placed on record. The health report declares them to be healthy and normal. Their HIV test results are also negative.

5. As regards the adoptive father, he is working as a Sales Account Manager with Guangzhou Bergner Trading Co.Ltd., Guangzhou, China, since 28 July 2014 and his monthly salary is of RMB 10,000/- which is equivalent to Rs.1,01,400/- in Indian rupees. The prospective adoptive mother is also working as a Functional Expert, System Development with OSRAM Asia Pacific Management Company, China since 20 June 2016 and her monthly salary is RMB 16,995 which is equivalent to Rs.1,72,329/-. The documents in regard to the proof of residence, bank deposit certificate and LIC certificate are placed on record. There is also a child care plan declaration by adoptive mother dated 24 September 2019 where she assured that she will take utmost care of the child.

6. There is a home study report Part I-Self assessment by the adoptive parents. There is also a home study report Part II-Assessment report of the Counsul of Consulate General of India, Guangzhou, China, on the basis of the home visit dated 21 April 2017 recording that the prospective adoptive parents are physically, mentally in sound position. They are also financially sound. It is also recorded that they are at the right age of adoption and their decision

to take the minor child in adoption is supported by their parents and other members of the family. On an overall assessment, the assessor recommended them to adopt child **Prasanna**. A police clearance certificate dated 29 June 2017 of the proposed adopters, from Consulate General of India, Guangzhou, China, is also on record. There is child security undertaking dated 5 October 2019 of the adoptive mother's brother to look after the minor in case of any unforeseen mishap to the prospective adoptive parents. The HIV I & II test report dated 6 February 2019 of the minor is also on record and it is in the negative. The postcard size photograph of the minor is also placed on record.

7. So far as the medical examination report of the minor, the same is contained in the report dated 5 July 2019 certifying the child to be normal and active child. The proposed adopters have also countersigned the report. The Child Acceptance and Family approval Letter, Consent, Willingness and Undertaking by the proposed adopters is on record recording that they are willing to adopt minor **Prasanna** as also they shall allow personal visits of the representative of CARA or the concerned Government Department as required under Indian Government laws. There is an undertaking dated 13 August 2019 by Consulate General of India, Guangzhou, China to provide follow-up reports of the child and make alternative arrangement in

case of disruption of the adoptive family and nominated Mr.Namdev Devji Rathod, Social Worker of Smt.Narsabai Mahila Mandal, Wadgaon, to execute and perform the legal proceedings in India. The adoptive parents desire to change the name of the minor from **Prasanna** to **Ananya Subramaniam Iyer**.

8. There is a representation of Mr. O. Hareenran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, (marked '**X-1**' for identification), who also setting out all the details in regard to the proposed adopters, does not indicate anything adverse, for this court, not to permit the adoption in question.

9. Having heard the learned Counsel for the petitioner and having perused the record to which reference has been made above, as also having perused the report of Mr. O. Hareendran, Scrutiny Officer from the Institute of Child and Social Welfare dated 14th December 2019, in my opinion considering the paramount interest and welfare of the minor female child Prasanna and the intention, desire and the spirit of the adoptive parents, to have in adoption a minor child like Prasanna from India, the petition is required to be allowed. It would be required to be allowed accepting the undertakings as made by the adoptive parents as placed on record as also the undertakings which are furnished by the Consulate General of India, Guangzhou, China. The

agency shall for a period of three years send half yearly reports in regard child 'Prasanna' to CARA.

10. In the circumstances, I do not find any impediment in granting the reliefs as prayed for. Hence, the following order:-

ORDER

1. The Foreign Adoption Petition is allowed in terms of prayer clauses(a),(b), (c), (d) and (e) which reads thus:-

(a) For the Adoption of the Proposed female minor **Ananya Subramaniam Iyer**, born on 16th July 2018 by the proposed Adopters under Section 59(7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor Ananya Subramaniam Iyer now in the care and custody of Smt.Narsabai Mahila Mandal's Shishugruh, Wadgaon, Geeta Nagar, Anand Nagar, Nanded, Maharashtra State.

(c) That the proposed adopters be allowed to change the name of the minor Prasanna to "**ANANYA Subramaniam Iyer**".

(d) Leave/Permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor **ANANYA Subramaniam Iyer**.

(e) That the proposed Adopters may be granted leave to remove the said minor **ANANYA Subramaniam Iyer** from the jurisdiction of this Hon'ble Court and to take the said minor to CHINA or wherever they may reside in future.

2. The Judge's order is separately signed.
3. The adoptive parents shall also through Consulate General of India, Guangzhou, China forward to the petitioner the half yearly progress and development reports of the minor for a period of three years from today, to be placed for consideration of the Central Adoption Resource Authority (CARA), New Delhi.
4. The foreign adoption petition is disposed of in the above terms.
5. Parties be furnished authenticated copy of this order.

[G.S. KULKARNI, J.]