

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

INDIAN ADOPTION PETITION NO. 72 OF 2019

St. Catherine's Home	...Petitioner/Applicant
And	
Dileep Bhaskar Dongre & 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 : 18th DECEMBER, 2019

P. C.

This is an Indian adoption petition, whereby the petitioner St. Catherine's Home, part of St. Catherine's Society Veera Desai Road, Andheri (W), Mumbai-400 058 a recognized adoption institution alongwith Mr. Dileep Bhaskar Dongre and his wife Mrs. Jyothi Padmanabha Phatak, aged 42 and 38 years respectively, who are residents of 201, Anand Residency, No. 1A, M.S. Palya Main Road, Balaji Layout, Vidyaranyapura, Bangalore-560 097, are before the court praying that female minor **Kimaya** born on 20th May 2019 to be given in adoption to the proposed adopters.

2. The biological mother surrendered the minor before the CWC on 6th June 2019 and the custody of the child was given to the applicant institution on the same day, in pursuance of the safe custody order dated 6th June 2019 passed under Section 36 of the Juvenile

Justice (Care and Protection of Children) Act, 2015 (for short '**Juvenile Justice Act**'). After making due inquiry under Section 38 of the Juvenile Justice Act the CWC by an order dated 30th August 2019 declared minor Kimaya legally free for adoption.

3. Insofar as the adoptive parents are concerned, they are Indian Nationals permanent residents of Bangalore. The adoptive father currently is a resident of New Jersey (USA), on a deputation employment. His wife, the adoptive mother is residing at Bangalore. The adoptive parents are married since last 14 years (Date of marriage 12th June 2005) with no biological children.

4. There is a motivation letter of the proposed adoptive parents placed on record declaring that they are a good family, financially stable and having a successful career planning for their future. They intended to adopt a child, raise the child with good social and human values and make the child a responsible citizen, fulfilling their duties towards the nation and the society. They also record that the child will bring them happiness and peace and new meaning to their lives.

5. There is a decision of the adoption committee dated 10th October 2019 recording that the prospective adoptive parents are suitable to adopt the child. There is an affidavit of the petitioner-institution which is on record declaring that it would be in the interest

of minor Kimaya that she is adopted by the adoptive parents and that this would be in the paramount welfare of the child.

6. The adoptive father is working as manager, software Engineering with McAfee Software India Pvt. Ltd., Bangalore (40 hours/week) from 4th March 2003 to 28th February 2014 and 17th March 2014 to 5th August 2018. As noted above in the middle of August 2018 he has been temporarily deputed to McAfee, LLC, USA and his monthly (September-2019) salary is USD 5966.39 (INR 4,22,870/-). His income certificate from Chartered Accountants, Employment Certificates and Salary slip as also the Income tax returns for the assessment year 2017-18, 2018-19 and 2019-20 are on record. Copy of Pan Card, Proof of residence and other supportive financial documents are placed on record. The prospective adoptive mother is a Homemaker.

7. 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 the Society of Charity, Holy Angels Convent, Bangalore, on the basis of home visit undertaken on 14th August 2017, which records that the prospective adoptive parents are well equipped financially to take care of the child. It is also recorded that the relatives are willing to support them in the upbringing of the adopted child. It is recorded that they have stable married life. The adoptive

parents also own a house. On an overall assessment, the assessor has recommended the adoptive parents to adopt a child male or female under 2 years.

8. The child security undertaking dated 19th October 2019 of the brother and sister-in-law of the adoptive mother, who is also a resident of Bangalore, is on record. They have undertaken to look after the minor in case of any mishap to the prospective adoptive parents.

9. The photographs of the adoptive parents as also of the child is placed on record.

10. Insofar as medical examination of the minor is concerned, a report to that effect dated 20th September 2019 is on record certifying that minor Kimaya is an active child. The prospective parents have countersigned the medical examination report. The HIV test report of the minor dated 7th June 2019 certifies the case as negative.

11. Joint consent and willingness of the prospective adoptive parents is on record which states that they are willing to be appointed or declared as adoptive parents of female minor Kimaya.

12. Minor Kimaya is already in the foster care of the adoptive parents under a foster care undertaking dated 19th October 2019. There is also an undertaking of Society of Sister of Charity, Holy

Angels Convent, Bangalore for furnishing post adoption follow-up reports on record.

13. The adoptive parents intend to change the name of the minor Kimaya and desire that minor Kimaya to be renamed as **Aathmaja Dileep Dongre**.

14. 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 14th December 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.

15. Considering the above facts and 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 prospective adoptive parents be given the said child in adoption be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor **Aathmaja Dileep Dongre**.

(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 **Aathmaja Dileep Dongre** born on 20.05.2019 and stating thereon that the prospective adoptive parents as the parents as the parents of the said minor.

(d) That the Co-Petitioners be allowed to change the name of the minor from Kimaya to Aathmaja Dileep Dongre born on 20.05.2019.

2. Judge's order is separately signed.
3. The adoptive parents shall invest an amount of Rs. 2,50,000/- (Rs. Two Lakhs Fifty Thousand Only) in the name of the minor Aathmaja Dileep Dongre 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 two months 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.]