

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

FOREIGN ADOPTION NO. 47 OF 2019

Children of the World India Trust, V/s. Beatriz De La Parra Peral	Petitioner Proposed Adopters
---	--

Mr. Rakesh K.L.Kapoor, Advocate for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer.

CORAM : G.S. KULKARNI, J.
DATE : 18th DECEMBER, 2019

P. C.

This is a foreign adoption petition wherein Children of the World India Trust, Vishwabalak Kendra, Plot No. 9 & 10, Sector-12, Nerul, Navi Mumbai-400 706, the petitioner which is a recognized agency for adoption by State Government as well as Central Adoption Resource Authority (CARA), New Delhi, alongwith the co-petitioner Ms. Beatriz De La Parra Peral, Spanish National, aged 44 years, residing at 6 Los Fresnos 6, 4B, 34003 Palencia, Spain, being the proposed adopters is before the court praying that female minor Manjiri born on 18th February 2018 to be granted in adoption to the proposed adopter.

2. By an order passed by the CWC, minor Manjiri was placed in custody of the petitioner institute for a period of three months. After

making inquiry under Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 for (short 'Juvenile Justice Act') readwith the rules, the CWC declared minor Manjiri legally free for adoption on 8th March 2019.

3. There is a No Objection Certificate dated 30th August 2019 issued by Central Adoption Resource Authority (CARA), New Delhi as per Adoption Regulations, 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption 1993 for the adoption of minor Manjiri by the proposed adopter.

4. Insofar as the proposed adopter is concerned, she is stated to be Spinster a Spanish national residing at Palencia, Spain, aged about 44 years and has no children. The family photograph, copies of passport of the proposed adopter are placed on record.

5. There is also a health report dated 9th August 2019 of the adopter placed on record certifying that she does not suffer from any chronic, contagious or serious disease and also that she does not suffer from HIV or Hepatitis A,B or C and she is medically fit to adopt minor Manjiri.

6. The proposed adoptive mother is a Forest Engineer and is the Director and Manager of her own company named "ECM Ingenieria

Ambiental S.L.' since 2009. Her annual gross income is of 38,000 Euros (INR 29,87,180/-). The income tax certificates for the year 2016, 2017 and 2018 are placed on record. There is also a proof of residence is on record.

7. A child care arrangement plan declaration dated 26th August 2019 is on placed on record which states that proposed adopter has undertaken that she will devote to the child all necessary time and would avail of four months of paid absence from her job as per Spanish Law and look after the adjustment of the child. She states that she has a flexible work schedule. There are nursery schools and private and public schools close to her house and the child will attend any of these centres, depending on her personal circumstances. She states that her sisters would also take care of the child when needed and she can also hire a maid to help at home tasks. She has accordingly undertaken that there should be no obstacle for her to fulfill her obligations as a mother and that she would be able to work, compatible to the care and attention of her adoptive child.

8. There is also a home study report dated 11th July 2018 conducted by Maria Ines Diez Gutierrez, social worker approved by the head of the department of children protection and care, which states that the prospective adoptive parent is in good health and does not suffer from any physical or psychic condition. She has good and

stable economic and working situation. Her house and the residential area is suitable for the development of the child and has adequate family and social support networks.

9. There is also a Psychological Assessment Report dated 11th July 2018 of the Association of Psychologists as placed on record recording that the prospective adoptive mother is found suitable for inter-country adoption in India, of a child between zero and four years old, assuming the own characteristics of the country. There is Suitability Certificate dated 22nd August 2018 and Article 17c Certificate of Approval dated 31st July 2019 from the Local Government of Castilla-Leon, Council for the family and for the equality of opportunities. There is a child security letter/Guardianship letter dated 5th October 2018 from the prospective adoptive mother's sister and brother-in-law to look after the proposed minor in case of any unforeseen mishap to the proposed adopters is placed on record.

10. There is a medical examination report of minor Manjiri dated 1st August 2019 certifying that she does not have any diseases. The overall observation of the child's Mental development is within normal limits although the physical growth is delayed. The proposed adopters have countersigned the said report. The HIV report of the minor dated 8th January 2019 certifies the case as non reactive.

11. The photographs of the adoptive mother and her family and of minor Manjiri are placed on record. There is also undertaking of proposed adoptive mother expressing her willingness to be appointed as adoptive mother of minor Manjiri and that she will allow personal visits of the representative of Authorised Foreign Adoption Agency or Government Department concerned as per Adoptive Regulations, 2017.

12. The undertaking dated 29th August 2019 of the Authorised Foreign Adoption Agency (AFFA) "Children without Frontiers", Madrid, Spain for furnishing post adoption follow-up report and for necessary action in case of disruption in the adoptive family is placed on record.

13. 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 Manjiri and the intention, desire and the spirit of the adoptive parents, to have in adoption a minor child like Manjiri 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 Authorised Foreign Adoption Agency "Ninos sin

Fronteras' 'Children Without Frontiers', Spain. The agency shall for a period of three years send half yearly reports in regard child 'Manjiri' to Central Adoption Resource Authority.

14. 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 Noa Manjiri born on the 18th day of February, 2018 by the proposed adopter under Section 59(7) of the Juvenile Justice Act, 2015.

(b) For declaring the proposed Adopter as Adoptive Parent of the said minor and shall have all parents rights, privileges and responsibilities over the said minor child Noa Manjiri now in the care and custody of Children for the World India Trust, Vishwabalak Kendra, Plot No. 9 & 10, Sector-12, Nerul, Navi Mumbai-400 706.

(c) That the proposed adopter be allowed to change the name of the minor Manjiri to Noa Manjiri.

(d) Leave/Permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Noa Manjiri.

(e) That the proposed Adopter may be granted leave to remove the said minor Noa Manjiri, from the jurisdiction of this Hon'ble Court and to take the said minor to Spain or wherever they may reside in future.

2. Judge's order is separately signed.
3. The adoptive parent shall also through concerned Spain Authority 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.]