

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

IN ITS GENERAL & INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO.97 OF 2018

In the matter of the adoption of a
male minor Nipun @ Advik, aged
about 1 year under Section 58(3) of
Juvenile Justice Act, 2015.

Family Service Centre)....Petitioner/Applicant
V/s.

Lokesh Maheshwari & Priti Maheshwari)....Proposed Adopters

Mr.Rakesh Kapoor for petitioners.
Ms.Vandana Jog- Scrutiny Officer of ICSW present.

CORAM : K.R.SHRIRAM,J

DATE : 9.1.2019

P.C.:-

1. This is a petition for adoption of male child Nipun born on 15.12.2017 by Indian Nationals. The biological mother surrendered her child before the Child Welfare Committee, Mumbai City on 18.12.2018 and the custody was given to petitioner-institution, Family Service Centre, Colaba, Mumbai on the same day as per the Safe Custody Memo of child Welfare Committee, Mumbai City II dated 18.12.2017 under Section 36(1) of the Juvenile Justice (Care & Protection of Children) Act, 2015 (the said Act) and Rule 18 (4) of the Model J.J.Rules, 2016.

2. I have considered the petition, annexures thereto and the report dated 1.12.2018 of the Scrutiny officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of children) Act, 2015, (2 of 2016) the Child Welfare Committee, Mumbai City II declared the proposed minor Nipun legally free for adoption as on 28.3.2018. The petitioners have filed Free for adoption Certificate.

4. The prospective adoptive parents are residing at Nashik, Maharashtra aged about 44 & 42 years, respectively. They have been married for the past 13 years (30.5.2005) with no biological children. Petitioners have filed Motivation Letter by the prospective adoptive parents, decision of Adoption Committee dated 26.10.2018 and affidavit by the Chief Functionary of the Specialized Adoption Agency.

5. The health report of the prospective adoptive parents dated 18.6.2018 states "not suffering from any physical or mental disease or disability". Their HIV I & II and Hepatitis B test reports certify the case as 'Negative'.

6. The prospective adoptive father is working as an Assistant Manager with BOSCH Limited, Nashik since July 2011 and his monthly gross salary (September 2018) is Rs.58,709/-. Petitioners

have filed Pay slips, Salary certificate and tax returns. The prospective adoptive mother is a homemaker. The petitioners have also filed proof of residence, statement of Net worth Certificate, Bank statements and other supportive financial documents and the home study report part I : Self Assessment by the prospective adoptive parents.

7 The part II : Assessment report of the Social Worker of Adharashram, Nashik (home visit done on 20.10.2018) states “prospective adoptive parents are physically and financially capable to adopt the child and are mentally prepared for adoption. Their family members are also supportive to this adoption and prepare for welcome a new member in the family. The couple is having a strong and stable marital life and maintaining a good standard of living. Their motivation towards adoption is strong and their attitude is positive. After all the assessment the Social Worker recommends the family for adoption of a child between the ages of 0 to 2 years age group”.

8. Petitioners have also filed the child security undertaking dated 30.10.2018 given by the cousin brother and sister-in-law of the prospective adoptive father resides at Powai, Mumbai to look after the proposed minor in case of any mishap to the prospective adoptive parents.

9. The Medical examination of the proposed minor dated 11.9.2018 states “A Healthy child”. The prospective adoptive parents

have countersigned the said report. The HIV report of the proposed minor dated 31.3.2018 certifies the case as 'Negative'.

10. Petitioners have filed post card size photograph of the minor, joint consent & undertaking by the prospective adoptive parents, pre-adoption foster care undertaking dated 10.10.2018 and undertaking to send follow up report dated 29.10.2018 by the authorities of Adharashram, Nashik.

11 As regards the change of name, the prospective adoptive parents desire that the minor 'Nipun' be renamed as 'Advik'.

12. The other required documents are also on record. Therefore, I find no impediment in granting the reliefs sought for in the petition.

13. Petition allowed. Judges' order is signed separately.

(K.R.SHRIRAM,J)