

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO.1 OF 2019
WITH
JUDGE'S ORDER NO.1 OF 2019**

In the matter of the Juvenile Justice (Care and Protection of Children) Act, 2015 (as Amended) and the Juvenile Justice (Care and Protection of Children) Rules 2017 and in the matter of Section 58(3) of the said Act,

AND

In the matter of adoption of a female minor Kavya @ Kavya Sunil Katti, a resident of M.S.W.C. Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai – 400 009.

M.S.W.C. Asha Sadan Balgruh)....Petitioner/Applicant

V/s.

Sunil Sudamrao Katti and
Rashmi Sunil Katti)....Proposed Adopters

Ms. Dipal S. Mehta for petitioner.
Mr. O. Hareendran, Scrutiny Officer of ICSW present.

**CORAM : K.R.SHRIRAM, J.
DATE : 16th JANUARY 2019**

P.C.:

1 This is a petition for adoption of female minor Kavya born on or about 5th July 2015 who was found abandoned by Child Line on 26th June 2017 and informed the CST Railway Police Station, Mumbai on the same day. The CST Railway Police Station referred the said minor to petitioner

institution Asha Sadan on 27th June 2017 for care and protection. The said minor was then produced before Child Welfare Committee, Mumbai City II on 29th June 2017 under section 36 (1) of Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 18 (4) of the Model J. J. Rule, 2016 and the safe custody was continued with Asha Sadan vide safe custody memo dated 29th June 2017. The Safe Custody Memo is on record.

2 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 I declared the proposed minor Kavya legally free for adoption as on 18th December 2017. However, due to non-availability of the full bench of the Child Welfare Committee (CWC) in the case, only two Committee Members had signed on the Certificate and thereby there was unavoidable non-compliance of Section 38 (4) of the J. J. Act, 2015. Ms. Mehta tendered praceipe dated 16th January 2019 addressed to Prothonotary and Senior Master enclosing thereto the legally free for adoption of Child Welfare Committee signed by the remaining member. The same is taken on record and marked "X" for identification.

3 The said child was again presented before the present CWC, Mumbai City I for re-affirmation of the earlier Free for Adoption Certificate and in the best interest of the child, the present members of the CWC Mumbai City I, reaffirm that the earlier Certificate for declaring child legally

free for adoption is valid and therefore signed as per provisions of Section 38(4) of Juvenile Justice (Care and Protection of Children) Act, 2015 on 30th July 2018. The Free for adoption Certificate is on record.

4 I have considered the petition, annexures thereto and the report dated 29th December 2018 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked “X-1” for identification.

5 In the representation it is noted that the proposed adopters are residing at Wagholi, Pune aged about 49 and 35 years, respectively. They have been married for the past 11 years (4th April 2007) with no biological children. Photograph of the Adoptive Family is on record. The Motivation Letter from the proposed adopters is on record. The Decision of Adoption Committee dated 16th November 2018 is also on record. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record.

6 The Health report of the prospective adoptive parents dated 23rd November 2018 is on record and it states “The health of the parents does not disqualify them in parenting a child in anyway”. Their HIV I & II and Hepatitis B test reports certifies the case as Non-reactive.

7 The Prospective adoptive father is self-employed (Proprietor of S.K. Enterprises, a Courier company) at Wagholi, Pune since 2001 and his

income for the Assessment Year 2018-19 is Rs.5,37,519/-. The Business Registration Certificate and Tax Returns for the Assessment Years 2018-19, 2017-18 and 2016-17 are on record. The prospective adoptive mother is a Homemaker. The Proof of Residence/Property, copy of PAN Card and Insurance Certificates are on record. Child Care Arrangement plan undertaking is on record.

8 The home study report Part-I : Self Assessment by the prospective adoptive parents is on record, The part-II : Assessment reports of the Social Worker of Aadhar, Nigdi, Pune (Home visit done on 23rd November 2015 & 23rd November 2018) is on record and it states, “The prospective adoptive parents are physically healthy and emotionally stable. They are well settled and financially stable. They are interested in adopting a female child between the ages of 3 months to 1 year. After all the assessment the Social Worker recommends that a female child of suitable age can be placed with them”. The child security undertaking dated 24th November 2018 given by the prospective adoptive parents' Niece and her husband residing at Pune to look after the proposed minor in case of any mishap to the prospective adoptive parents is on record. Post Card Size Photograph of the minor is on record.

9 The Medical Examination of the proposed minor Kavya dated 24th July 2018 is on record and it states “A healthy child with mild delay in

social communication”. Her Psychological Evaluation Report dated 5th October 2018 states “on the basis of Kamat’s Test of Intelligence she gains an Intelligent Quotient of 95 to 100 points, which places her in Average Range of Intellectual Functioning. The proposed adopters have countersigned these reports. As regards the change of name, the proposed adopters desire that the minor ‘Kavya’ be renamed as “Kavya Sunil Katti”. The HIV report of the proposed minor dated 17th July 2018 certifies the case as Non Reactive. Joint Declaration of consent and willingness of the prospective adoptive parents are on record. The Pre-adoption foster care undertaking dated 8th December 2018 is on record. The follow up report undertaking dated 26th November 2018 report by the authorities of Adhar, Nigdi, Pune is on record. The Specialized Adoption Agency’s (M.S.W.C. Asha Sadan, Mumbai) recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period up to 31st December 2018.

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

11 Petition allowed. Judge's order is signed separately.

(K.R. SHRIRAM, J.)