

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

IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION NO.3 OF 2019

WITH

JUDGE'S ORDER NO.3 OF 2019

In the matter of Section 61(i), Section
56 and Section 58 of the Juvenile
Justice Act, 2015

And

In the matter of Clause 17 of the
Letters patent ;

And

In the matter of Adoption of female
minor **Ruchi @ VANSHIKA MITRA**
-aged about 1 year 5 months under
Section 58 (3) of Juvenile Justice
(Care and Protection of Children) Act,
2015.

MSWC, Asha Sadan Balgruh

)...Petitioners/Applicants

AND

Mr. Sudipto Mitra &
Mrs. Nirmita Bhattacharya

)... Proposed Adopters/
Co-Petitioners.

Smt.Lalita Jaya Raj for petitioners.
[Mr.O.Hareendran, Scrutiny officer present].
Both the proposed adopters present.

CORAM : K.R.SHRIRAM,J

DATE : 23.1.2019

P.C.:-

1. This is a petition for adoption of a female minor Ruchi born on 09/08/2017 by Indian Nationals, who was admitted to the Petitioner institution Asha Sadan on 23/08/2017 as per the safe custody memo of Child Welfare Committee, Mumbai dated 28/08/2017 under section 36 (i) of Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 18 (4) of the Model J. J. Rules, 2016. Subsequently, on 25/11/2017 the biological mother executed a Deed of Surrender before the Child Welfare Committee, Mumbai under the provisions of J.J. Act, 2015.

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 Ruchi “Legally Free for Adoption” as on 29/01/2018, but 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.

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, reaffirmed 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 30/07/2018. The Original Free for Adoption order dated 29.1.2018 was submitted by petitioners' Advocate at the time of hearing, which is taken on record and marked 'X' for identification. The Free for adoption Certificate is on record.

4. I have considered the petition, annexures thereto and the report dated 31.12.2018 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X-1' for identification.

5. The Proposed Adopters are residing at Bangalore, aged about 37 and 33 years, respectively. They have been married for the past 8 years (21/01/2011) with no biological children.

6. Petitioners have filed photograph of the child and Adoptive Family, the Motivation Letter from the proposed Adopters, Decision of Adoption Committee dated 3.12.2018 and Affidavit by the Chief Functionary of the Specialized Adoption Agency.

7. The Health report of the prospective adoptive parents dated 06/12/2018 states “They are found to be physically fit. They do not suffer from any chronic or communicable disorder”. Their HIV I & II and Hepatitis B test reports certify the case as Non-reactive.

8. The Prospective Adoptive father is working as Associate Vice President-I with Jana Small Finance Bank, Bangalore since 18/01/2018 and his gross monthly salary (Sept. 2018) is Rs.1,00,988/-. His employment certificate, pay slips and tax return 2017-18 are on record. The Prospective Adoptive Mother is working as Lead – HR with Embitel Technologies India Pvt. Ltd., Bangalore since 09/02/2017 and her monthly gross salary (Oct. 2018) is Rs.73,241/-. Her pay slips and tax return 2017-18 are on record.

9. Petitioners have filed the Proof of Residence/Property, Bank references, statement of assets and liabilities, copy of PAN Card , Child Care Arrangement plan undertaking and the home study report Part I: Self Assessment by the Prospective Adoptive Parents.

10. The part II: Assessment reports of the Social Worker of Shishu Mandir, Bangalore (Home visit done 01/09/2018) states, “The

prospective adoptive parents do not have any physical or psychological issues that would effect the life of the coming child. They have a stable married life since 2011 and have good understanding between each other. They are financially sound to welcome another member into their family. After all the assessment the Social Worker recommend them as most eligible to adopt a girl or boy under 2 years”.

11. Petitioners have also filed child security undertaking dated 17/12/2018 given by the brother and sister-in-law of the prospective adoptive mother residing at Bangalore to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents.

12. Medical Examination of the proposed minor Ruchi dated 23/10/2018 states “Overall observation of the child: The child suffers from mild generalised Hypotonia. With Physiotherapy, this has improved. Progress for further, normal development is very favourable. The proposed adopters have countersigned this report. The HIV report of the proposed minor dated 13/10/2018 certifies the case as Non Reactive.

13. As regards the change of name, the proposed Adopters desire that the minor ‘Ruchi’ be renamed as “Vanshika Mitra”.

14. Petitioners have filed Joint Declaration of consent and willingness of the prospective adoptive parents, Pre-adoption foster care undertaking dated 17/12/2018, Joint consent and willingness by the prospective adoptive parents and the Agency undertaking to send follow up report by the authorities of Shishu Mandir, Bangalore.

15. 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 31.12.2018.

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

17. Petition allowed. Judge's Order is signed separately.

(K.R.SHRIRAM,J)