

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO.7 OF 2019
WITH
JUDGE'S ORDER NO.12 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 male minor **Prajwal @ Akshat** - aged about 1 year 1 month under Section 58 (3) Juvenile Justice (Care and Protection of Children) Act, 2015.

MSWC, Asha Sadan Balgruh

...Petitioner/Applicant

AND

Mr. Srinivas Somavajjhala &

Mrs. Meeta Somavajjhala

...Proposed Adopters/
Co-Petitioners.

Mrs. Varsha Bhogle for petitioner.

Mr. O. Hareendran, Scrutiny Officer of ICSW present.

CORAM : K.R.SHRIRAM, J.

DATE : 6th FEBRUARY, 2019

P.C.:

1 This is a petition for adoption of male minor Prajwal who was born on 15th December 2017. The biological mother surrendered the child before Child Welfare Committee, Mumbai City II (CWC) on 26th December 2017 and the custody was given to applicant institution Asha Sadan,

Mumbai on the same day as per the safe custody Memo dated 26th December 2017 by the CWC under section 36 (1) of Juvenile Justice (Care and Protection of Children) Act, 2015 and Rule 18 (4) of the Model J.J. Rules 2016. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) CWC declared the minor Prajwal “Legally Free for Adoption” as on 8th March 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. The said child was again presented before the CWC for re-affirmation of the earlier Free for Adoption Certificate and in the best interest of the child, the present members of the CWC 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 30th July 2018. The Free for adoption Certificate dated 30/07/2018 is on record. Advocate for petitioner submitted CWC Certificate dated 13.7.2018 for declaring child legally free for adoption. The same is taken on record and marked 'X-1' for identification.

2 I have considered the petition, annexures thereto and the report dated 18th January 2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked "X" for

identification.

3 In the representation it is noted that the proposed adopters are residing at Vasai East, Dist. Palghar aged about 44 and 42 years, respectively. They have been married for the past 9 years (31st January 2010) with no biological children. The Family photograph is on record. The Motivation Letter from the Proposed Adopters is on record. The Decision of Adoption Committee dated 07/12/2018 is on record. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record. The Health report of the prospective adoptive parents dated 2nd November 2018 is on record and it states "They are fit for child adoption". Their HIV I & II and Hepatitis B test reports certifies the case as Nonreactive.

4 The prospective adoptive father is working as a Fleet Personnel Manager with A.G. Maritime Private Limited, Andheri, Mumbai since 7th July, 2016 and his monthly (November-2018) gross salary is Rs.93,750/-. His Appointment Order, salary slips and Tax Returns 2018-19, 2017,18 and 2016-17 are on record. The prospective adoptive mother is a Homemaker. The proof of residence/property, PAN Card, Bank statements and other supportive financial documents are on record. The childcare arrangement undertaking is on record.

5 The home study report Part I : Self Assessment by the

prospective adoptive parents is on record. The part II : Assessment report of the District Child Protection Unit, Mumbai Suburban District, Mumbai (Home visit done 24th December 2016) is on record and after all the assessment, the Assessor is of the view that both the prospective adoptive parents are caring and responsible and also share a strong and a stable marital relationship. The couple also have successful career and financially sound to take care of a child and have good support from their relatives in their decision of adoption of a child”. The child security undertaking dated 6th August 2018 given by the Sister and brother-in-law of the prospective adoptive mother residing at New Delhi 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. Joint Declaration of consent & willingness of the prospective adoptive parents are on record.

6 Medical Examination of the minor Prajwal dated 11th September 2018 is on record and it states “Child born to HIV positive mother. Child’s HIV test reports from 2nd January 2018 to 7th September 2018 (7 tests) certifies the case as Negative. His 3rd DBS test report is recommended at the age of 1 year. This report result is not on record. The Advocate for petitioner submitted copy of HIV test report from Mumbai Districts Aids Control Society, which is taken on record and marked ‘X-2’ for identification. Overall observation of the child : A normal healthy infant. In view of the HIV positive history in the mother, the infant has been

repeatedly tested and no evidence of AIDS has been detected as on date”
The proposed adopters have countersigned the said report. The Pre-adoption foster care undertaking dated 17th December 2018 is on record. The undertaking dated 19th December 2018 to send follow up report by the authorities of Bal Vikas, Shishu Welfare Trust of India, Mumbai 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.

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

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

(K.R. SHRIRAM, J.)