

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION**

**INDIAN ADOPTION PETITION NO. 8 OF 2020
with
JUDGE'S order no.15 of 2020**

SWTI, Bal Vikas Shishu Bhavan. ...Petitioner/Applicant
And
1. Vivek Dnyaneshwar Paigude
2. Pradnya Vivek Paigude ...Prospective Adoptive Parents

Mr.Lalita Jaya Raj, Advocate for the Petitioner.

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

CORAM : G.S. KULKARNI, J.

DATE : 6 February 2020

P. C.

1. This is an Indian Adoption Petition wherein the petitioner-SWTI, Bal Vikas Shishu Bhavan, Mumbai, a recognized specialised adoption agency as described in paragraph one of the petition alongwith Shri.Vivek Dnyaneshwar Paigude and his wife Mrs.Pradnya Vivek Paigude (for short 'Adoptive Parents') both residents of Flat no.6, B-3, Gauri Shankar Park CHS Ltd., Benkar Vasti, Dhayari, Pune-411041, are before the Court praying that female minor child Ananya born on 10 July 2019 be given in adoption to the adoptive parents.

2. The child was admitted to the petitioner-institution on 24 July 2019. Subsequently the Child Welfare Committee passed an order on 2 August 2019 considering the Deed of Surrender as executed by the biological mother, whereby the custody of the minor Ananya was given to the petitioner-institution as per Section 36 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short "The Juvenile Justice Act"). The petitioner institution's recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period upto 31 March 2020.

3. An enquiry under Section 38 of the Juvenile Justice Act was undertaken by the Child Welfare Committee and by further order dated 3 October 2019 minor Ananya was declared Legally Free for Adoption as on 3 October 2019. In so far as the adoptive parents are concerned, they are Indian national and permanent residents of Pune, aged about 45 and 39 years respectively. The adoptive parents are married for last 15 years (date of marriage: 23 June 2004) with no biological children. They were motivated to have a child in adoption. A motivation letter dated 2 December 2019 to that effect is placed on record wherein they have stated that they wanted to start a family and both of them love children. They record that adoption will make their dreams of having a family come true. They also record that it does not make any difference between adoptive child and biological child.

4. In so far as adoptive father is concerned, he is self employed being a Tax Consultant operating “Paigude Consultancy Services, Pune” since 2008. His income for the Assessment Year 2019-20 is Rs.5,02,923/-. His income affidavit and income tax returns for the Assessment Years 2017-18, 2018-19 and 2019-20 are placed on record. The adoptive mother is also working as Accountant with the adoptive father since last one and half year. Her income for the Assessment Year 2019-20 is Rs.3,10,419/-. Her income tax returns for the Assessment years 2017-18, 2018-19 and 2019-20 are also placed on record. Copies of the PAN and Aadhar Cards, property statement, Bank Reference of the adoptive parents are also placed on record. The adoptive father has also purchased a house in the year 2008 in Pune.

5. In so far as health and medical reports of the adoptive parents are concerned, as regards the adoptive father's the report is dated 10 December 2019 which records that he had hernia and was operated for the same in past. Remarks of the physician are that he is physically and mentally fit for adoption. The medical report of the adoptive mother is also dated 10 December 2019. It records that she has one small kidney. However, functioning of the kidney is normal. It records that she is physically and mentally fit for adoption. HIV I and II and HbsAg test reports of the adoptive parents are negative. The

adoptive parents have placed on record a Child Care arrangement plan whereby the adoptive mother has explained as to how she would take care of the child. There is a Home Study Report part I-Self assessment dated 20 June 2017 and 29 August 2019 by the adoptive parents which contain details of adoptive parents, familiarity with adoption, family background information, professional/employment details, financial position, current marital relationship of the adoptive parents, attitude of grandparents/extended family members and other relatives, anticipated plans of the adoptive parents for adopted child, preparation and training for adoption, rehabilitation plan for the child, health status (emotional and physical) etc. There is a Home Study Report Part II which is assessment by Mrs.Shraddha Kopardekar (MSW), Supervisor, Indian Adoption and Mrs.Lina Yawale (MSW), Social Workers associated with Bharatiya Samaj Seva Kendra, which is a detailed report containing factual assessment, psycho-social assessment which contains description of adoptive parents, early childhood, education, career and marriage, report of interaction with the prospective adoptive parents, their findings on home visit, their observations on interaction with the family members, financial capacity and physical and emotional capacity. In paragraph 3 of the report the social workers have recommended that the adoptive parents are well educated and well placed in their profession and have sufficient income. It was recorded that the other members of the

family also support their decision to have a child in adoption. They are independent, strong and mature and they can take responsibility of adopted child. Accordingly, the report recommends that the adoptive parents are suitable to adopt the child.

6. A child security undertaking dated 27 August 2019 by the brother and sister-in-law of the adoptive mother who are also residing at Pune to look after the minor Ananya, is also placed on record. The photographs of the adoptive parents as also of the minor Ananya are placed on record.

7. In so far as the medical examination of the minor is concerned, there is report dated 20 July 2019 which records that minor Ananya is a normal infant. The adoptive parents have studied the report and have countersigned the said report. HIV report of the minor dated 5 October 2019 certifies the case as negative.

8. The adoptive parents have made joint declaration of their consent and willingness that they re willing to be appointed as adopted parents of Ananya. There is a pre-adoption foster case undertaking dated 12 December 2019, in pursuance of which with effect from 23 December 2019 minor Ananya is in the foster care of the adoptive parents. There is an undertaking dated 9 December 2019

by Bharatiya Samaj Seva Kendra, Pune for furnishing post adoption follow up reports.

9. The adoptive parents desire that the minor **Ananya** be renamed as “**Ananya Vivek Paigude**”. There is a decision of the adoptive body of the petitioner dated 7 December 2019 placed on record which states that the adoptive parents are considered suitable to adopt minor Ananya. There is an affidavit in support of the averments as made in the petition of the petitioner institution in support of the adoption.

10. At today’s hearing both the adoptive parents alongwith minor Ananya were present. I had a brief interaction with them. They appear to be very happy with their decision to have minor Ananya in adoption. I could see happiness of both the adoptive parents. They have now a feeling of completeness of a happy family.

11. There is a representation of Mr. O. Hareenran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, (marked ‘X’ for identification) dated 6 February 2020, setting out all the details in regard to the proposed adopters. The representation does not indicate anything adverse, for this court, not to permit the adoption in question.

12. Copies of the income details and of the property statement of the adoptive parents, submitted by Advocate Smt.Lalita Jaya Raj are taken on record and marked “X-1” for identification.
13. In the circumstances, I do not find any impediment in granting the reliefs as prayed for. Hence, the following order:-

ORDER

1. The Indian Adoption Petition is allowed in terms of prayer clauses (a),(b) and (c) which read thus:-

(a) This Hon’ble Court may be pleased to appoint the Adopters as adoptive parents of the person of a female minor **ANANYA @ ANANYA VIVEK PAIGUDE** now in the care and custody of the Petitioners; SWTI Bal Vikas, Shishu Bhavan, Malad (E), Mumbai-400097;

(b) That the Petitioners/Adopters be granted leave to apply to the Municipal Authorities to issue within five working days of application a Birth Certificate of the Minor **ANANYA @ ANANYA VIVEK PAIGUDE** showing the first adopter **VIVEK DNYANESHWAR PAIGUDE** as the adoptive father and his wife the second adopter **PRADNYA VIVEK PAIGUDE** as the adoptive mother respectively;

2. The Judge’s order is separately signed.

3. The adoptive parents shall invest an amount of Rs. **1,50,000/-** (**Rs. One Lakh Fifty thousand Only**) in the name of the minor **ANANYA @ ANANYA VIVEK PAIGUDE** by way of Life Insurance Policy having single premium, which would have maturity on the minor attaining majority.
4. The life insurance policy be placed on record within two months from today. Judges order be accordingly read.
5. The prospective parents are directed not to give the minor **ANANYA @ ANANYA VIVEK PAIGUDE** in further adoption to any other person without the leave of the Court.
6. The Indian adoption petition is disposed of in the above terms.

[G.S. KULKARNI, J.]