

Tauseef

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

**INDIAN ADOPTION PETITION NO.4 OF 2020
WITH
JUDGE'S ORDER NO.9 OF 2020
IN
INDIAN ADOPTION PETITION NO.4 OF 2020**

Shree Manav Seva Sangh V/S. Girish Kumar K.	...Petitioner / Applicant ...Respondents Adoptive Parents
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Mr. Rakesh Kapoor, Advocate for Petitioner.
Mr. O. Hareendran, Scrutiny Officer, ICSW present.

**CORAM : G.S. KULKARNI, J.
DATED : 04th FEBRUARY 2020.**

P.C.:

1. This is an Indian Adoption Petition, whereby Shree Manav Seva Sangh, 255-257 Sion Main Road, Sion West, Mumbai – 400 022, a recognized specialized Adoption Agency alongwith Girish Kumar K. and his wife Rupakala V. (for short “the Adoptive Parents”), who are residents of Kozhikode, Kerala pray that minor “Ansh” born on 13 July 2019 be given in adoption to the adoptive parents.

2. The biological mother surrendered minor Ansh before the Child Welfare Committee on 16 May 2019. An Order came to be passed by the

Child Welfare Committee granting safe custody of the child with the petitioner institution. Also an Order dated 19 July 2019 came to be passed granting the custody of the child to the petitioner institution as per the provisions of Section 36(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short “**Juvenile Justice Act**”).

3. Thereafter Child Welfare Committee undertook an enquiry as per the requirement of Section 38 of the Juvenile Justice Act and by an order dated 11 October 2019 declared the minor legally free for adoption. The certificate to the Respondent is also came to be issued.

4. Insofar as the adoptive parents are concerned as noted above, they are Indian Nationals residing at Kozhikode, Kerala. They are married for past 9 years (date of marriage 25 April 2010) with no biological children.

5. There is a motivation letter of the adoptive parents placed on record declaring that their main reason for adoption is to fulfill their dream of becoming parents of a child. They intended to adopt a child, raise the child with good social and human values and make the child a responsible citizen, fulfilling their duties towards the nation and the society. They also record that the child will bring them happiness and peace and new meaning to their lives.

6. The decision of adoptive committee dated 06 December 2019 records that, the prospective adoptive parents are considered suitable to adopt child Ansh.

7. Insofar as the adoptive father is concerned, he is working as the Assistant Engineer, PW-Irrigation Department, Quality Control Section, Kozhikode, Government of Kerala and his monthly gross salary is about Rs.67,750/- as in October 2019 his pay slips and Income Tax Returns for the assessment years 2017-18, 2018-19 & 2019-20 are placed on record. The Adoptive Mother is also working as a Senior Manager with Punjab National Bank, Kozhikode Branch, her monthly salary is Rs.91,488.43/-, her salary slips and Income Tax Returns for the Assessment years 2017-18, 2018-19, 2019-20 are placed on record. The order details of the adoptive parents namely, aadhar card, proof of residence, LIC certificate and Bank statements are on record. The medical reports of the adoptive parents do not indicate anything adverse. They support their decision to take a child in adoption. There is also investment of adoptive parents in the nature of fixed deposits, LIC policies the details of which are placed on record.

8. The Child Care Arrangement Plan undertakings of prospective adoptive mother and her Aunt are also on record. There is a home study report Part-I (self-assessment) dated 06 September 2017 by the proposed

adopters. The home study report part II is an assessment report of the Social Worker of St. Joseph Foundling Home, Calicut, on the basis of a home visit undertaken on 06 September 2017 which records that the adoptive parents are balanced individuals to take care of the child, who have good capacity to bring up a child and handle the issues related to cope with the stress and utilize support system. The social worker is of the opinion that the couple deserves to have a child by way of adoption. The social workers recommends the adoption of a child below four years.

9. There is a child security undertaking dated 30 November 2019 which is by the sister and brother-in-law of the adoptive father who is resident of Trivandrum, Kerala to look after the minor in case of any unfortunate mishap to the Adoptive Parents.

10. In so far as the minor is concerned, there is a medical report dated 16 November 2019 which records that the “Child is mentally and physically normal”. The adoptive parents have examined the report and have also counter signed the said report. The HIV test report of the minor dated 23 July 2019 certifies the case as negative.

11. The photographs of the adoptive parents and also of the minor are placed on record.

12. A joint consent and willingness of the prospective adoptive parents as per the requirement in law is on record which states that they are willing to be appointed or declared as adoptive parents of the minor.

13. There is a Pre-adoption foster care undertaking date 09 December 2019 in pursuance to which it is informed that the child is in the foster care of the adoptive parents and is doing well. There is an Affidavit of Specialized Adoptive Agency verifying to the averments in the petition and supporting the prayers as made in the Petition.

14. There is also an undertaking dated 09 December 2019 of Shree Manav Seva Sangh, Mumbai for furnishing post adoption follow up reports. It is stated that the recognition of the Petitioner - Institution is valid upto 31 December 2018.

15. There is a representation of Mr. O. Hareendran of the Indian Counsel of Social Welfare, Central Office, Mumbai, dated 03 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. It is taken on record and marked 'X' for identification.

16. Considering the above facts and circumstances, I am of the opinion that the reliefs as prayed for are required to be granted. Hence,

the following order:-

ORDER

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

- (a) That the prospective adoptive parents be given the said child in adoption be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor **Ansh @ Harishankar Girish**.
- (b) That the prospective adoptive parents may be granted leave to remove the said minor from the jurisdiction of this Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required.
- (c) That the concerned Municipal Authority/ Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor **Ansh @ Harishankar Girish** born on 13 July 2019 and stating thereon that the prospective adoptive parents as the parents as the parents of the said minor.
- (d) That the Co-Petitioners be allowed to change the name of the minor from **Ansh** to **Harishankar Girish** born on 13.07.2019.

2. Judge's order is separately signed.

3. The adoptive parents shall invest an amount of Rs.2,00,000/- (Rs. Two Lakhs Only) in the name of the minor Ansh @ Harishankar Girish by way of life insurance policy having single premium, which would have maturity on the minor attending majority.

4. The life insurance policy be placed on record within two months from today. Judges order be accordingly read.

5. The adoptive parents are directed not to give the minor Ansh @ Harishankar Girish 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.)