

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

INDIAN ADOPTION PETITION NO. 1 OF 2020

Shraddhanand Mahilashram	...Petitioner/Applicant
And	
Devasish Kanojia & Anr.	...Prospective Adoptive Parents

Mr. Rakesh Kapoor i/b M/s Rakesh K. L. Kapoor & Co., Advocate for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer.

CORAM : G.S. KULKARNI, J.
DATE : 4 FEBRUARY 2020

P. C.

This is an Indian adoption petition, whereby the petitioner Shraddhanand Mahilashra, Shraddhanand Road, Matunga C. R. East, Mumbai, alongwith Mr. Devasish Kanojiya and his wife Mrs. Aarti Kanojiya, aged 38 and 39 years respectively, (for short “adoptive parents”), residents of Flat No. 803, A Wing, Windwards Society, Chatrapati Chowk Road, Kaspate Wasti, Wadad, Pune-411 057, Maharashtra, are before the court praying that female minor “Samiksha” born on 27 April 2019 be given in adoption to the proposed adopters.

2. Minor Samiksha was admitted to the petitioner institute with effect from 2 May 2019 as per the order of the Child Welfare

Committee, Mumbai City-I (for short “CWC”) dated 6 May 2019 passed under Section 36(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short “Juvenile Justice Act”). The biological mother thereafter executed a deed of surrender before the CWC, Mumbai City-II on 8 May 2019 for the permanent rehabilitation of minor Samiksha. These orders are placed on record.

3. The CWC thereafter conducted an inquiry under Section 38 of the Juvenile Justice Act and by an order dated 12 July 2019 declared minor Samiksha legally free for adoption.

4. Insofar as the adoptive parents are concerned, they are residents of Wakad at Pune. They have been married for last 10 years (date of marriage is 5 May 2009) with no biological children. There is a motivation letter of the adoptive parents which records that the adoptive parents see the adoption as a new way of life. It records that adopting a child would bring countless joy and happiness to the adoptive parents. It is also recorded that the adoptive parents always desired to be parents and by adopting this baby they enter a new phase of life and experience parenthood. They have also discussed the idea of adoption with family and with close friends and they found that this is an ideal way to expand their life and family. The choice of adoption is also recorded as a unanimous choice. Also the family

members of adoptive parents had initiated discussion regarding adoption since the year 2015. They have also undertaken lot of research on internet and discussed with their relatives and close friends from whom they received positive thoughts about adoption. They state that accordingly they have taken a decision to adopt a child by following the procedure.

6. Insofar as, the adoptive father is concerned, he is working as Content Writer-Day Editorial with Insights Success Media & Technologies Ltd., situated at Shivar Chowk, Pimple Saudagar, Pune, Maharashtra. His gross monthly (October-2019) salary is Rs. 23,000/-. His salary slips, income tax returns for the assessment year 2019-20 and Form-16 are placed on record. The adoptive mother is also working as an Associate Consultant with Biriasoft Limited, Pune since 20 May 2019 and her monthly (October-2019) gross salary is Rs. 72,594/-. Her salary slip, income tax returns for the assessment year 2019-20 and Form-16 are placed on record. Copy of PAN Card, proof of residence and other supportive financial documents are placed on record.

7. Insofar as the health report of the adoptive parents are concerned, there is a health certificate issued by Lifepoint Multispeciality Hospital stating that they do not suffer from any

chronic, contagious or fatal disease and they are fit to adopt a child. Pathology reports from Dr. Ashturkar's Pathology Laboratory also are placed on record.

8. There is a home study report part-I which is a self assessment report of the adoptive parents dated 18 August 2017, which contains all the necessary details in regard to the familiarity with the adoption, family information, employment details, financial position, current marital relationship, attitude of grandparents towards the present adoption, anticipated plans of the prospective adoptive parents and preparation, training for adoption, possible rehabilitation plan for child in case of any eventuality, health status, etc. There is a home study report part-II which is an assessment report by a Social Worker working with Society of Friends of the Sassoon Hospitals (SOFOSH). The concerned adoption social worker after examining all the relevant facts Rajashri Sapkal has made the following recommendations:-

“Yes, after all the assessment of facts and observations, I recommend that a child can be placed in adoption with the PAPs, as they are very caring and responsible. Both of them seem to share a strong and stable marital relationship. Mr. and Mrs. Kanojiya have financial stability. They have a positive outlook on adopting a child. They do not seem to have any unrealistic expectations from the child. I am sure that the adoptive couple will bring up the child well, with a lot of love, care and attention. Their home will be able to

extend affection and warmth to the child. Mr. and Mrs. Kanojiya will be able to provide and maintain a decent standard of living to the child placed with them in adoption.”

The above observations are made after a detailed study and discussion of the various issues by the social worker.

9. There is also child care plan by adoptive parents dated 12 November 2019 stating as to how the adoptive parents plan to take care of minor Samiksha as both the parents are working parents. There are also recommendations for an adoption by Mr. Anurag Joshi and his wife Mrs. Sarika Joshi dated 27 November 2019. There is a similar recommendation of Mr. Samir Sayyad for adoption, who is working as Senior Manager in Tata Motors Ltd, a friend of the adoptive parents. Also Mr. Rahul Niraj, who is another friend of the adoptive parents has made a recommendation to the CARA.

10. There is a child security undertaking dated 12 October 2019 by the brother and sister-in-law of the prospective adoptive mother who are residing at Ulhasnagar to look after the minor in case of any unfortunate mishap to the adoptive parents.

11. Insofar as minor Samiksha is concerned, there is medical examination report dated 14 August 2019 which records that “Milestones appropriate for age”. The adoptive parents have also studied and counter signed the medical examination report. The HIV test reports of the minor Samiksha dated 31 July 2019 certify the case as negative. The photographs of the adoptive parents as also the photograph of the minor are placed on record.

12. As per the requirement in law there is also a joint consent and willingness of the adoptive parents placed on record stating that they are willing to be appointed or declared adoptive parents of female minor Samiksha. Also there is a pre-adoption foster care undertaking dated 18 November 2019 and in pursuance of which the child is already in the foster care of the prospective adoptive parents.

13. The Minutes of the adoption committee dated 15 November 2019 of the petitioner institution as placed on record, state that adoptive parents are considered suitable to adopt child Samiksha also an affidavit of the petitioner is placed on record supporting the awarements as made in the petition.

14. There is an undertaking dated 18 November 2019 of the authorities of the SAFOSH (Society of Friends of the Sasson Hospitals) for furnishing post adoption follow-up reports is placed on record.

15. The adoptive parents have stated that they intend to change the name of the minor Samiksha and desire that minor Samiksha be renamed as “**Aditi Kanojiya**”.

16. There is a representation of Mr. O. Hareendran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, (marked ‘X’ for identification) dated 20 January 2020, setting out all the details in regard to the proposed adopters. The representation considers all the relevant materials. Mr. Hareendran’s finding do not indicate anything adverse, for this court, not to permit the adoption in question.

17. 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 the following terms:

- (a) That the Co-Petitioners be given female child “Samiksha” in adoption and be declared as parents and

have all parental legal rights, privileges and responsibilities over the said minor, born on 27.04.2019.

(b) That the Co-Petitioners be allowed to change the name of the minor from **Samiksha to Aditi Kanojiya** born on 27.04.2019.

(c) That the Co-Petitioners are 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.

(d) That the concerned Municipal Authority / Birth Certificate issuing authority may be directed to issue Birth Certificate in the name of the said minor Aditi Kanojiya born on 27.04.2019 and stating thereon that the Co-Petitioner as the parents of the said minor.

2. The adoptive parents shall invest an amount of Rs. 1,50,000/- (Rs. One Fifty Thousand Only) in the name of the minor Aditi Kanojiya by way of life insurance policy having single premium, which would have maturity on the minor attending majority. The life insurance policy be placed on record within three months from today. Judges order be accordingly read.

3. The Judge's order is separately signed and be read alongwith this order.

4. The prospective parents are directed not to give the minor Samiksha in further adoption to any other person without the leave of the Court.

5. The Indian adoption petition is disposed of in the above terms.

No costs.

[G.S. KULKARNI, J.]