

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

FOREIGN ADOPTION PETITION NO. 11 OF 2020

Bal Asha Trust

... Petitioner

vs.

Stefano Pecorari and Tiziana Gratton

... Proposed Adopters

Mr. Rakesh Kapoor for the Petitioner.

Mr. Arun Kesarkar, 2nd Assistant Master.

CORAM : A. K. MENON, J.

DATED : 9th DECEMBER, 2020

P.C. :

1. This petition is presented by Bal Asha Trust in relation to the proposed adoption of Master Jalaba Dilwar Shahabati aged just over 9 years and said to have been born on 2nd April, 2011. The minor was found abandoned by the Dadar Police at on 26th August, 2017. Attempts have been made to locate his biological parents and/or guardian, since then no one has come forward to take custody of the child. His name and photograph was published on 4th October, 2018 and 10th October,

2018 in Tarun Bharat, Mumbai and Navshakti Mumbai. It was also telecasted on Sahyadri Channel of Doordarshan on 28th November, 2018.

2. Child Welfare Committee, Mumbai City II (CWC) confirms having recorded the statement of the concerned police officer of Dadar police station on 30th November, 2018. The CWC has issued safe custody order dated 21st September, 2018. The minor was admitted to the Bal Asha Trust vide order dated 3rd April, 2019 in accordance with the final report. All attempts to locate the biological parents and/ or other guardian are said to have failed. The child has been declared free for adoption. CARA has issued NOC dated 25th October, 2019.

3. The proposed adoptive parents are Italian citizens. They have been found to be of good health and character and financially capable of looking after and maintaining the child. Their marriage record is annexed to the petition issued by the Municipality of San Canzian d'Isonzo, Province of Gorizia which has also issued a residence certificate. Home study report has been conducted by an organization known as International Adoption, Italy. The Proposed adoptive father is worker employed at Elfit SPA. Financial position is found to be acceptable so is the family background. Health status is also found

acceptable. They have no biological children. Adoption Guarantee letter dated 16th October, 2018 is on record. The Juvenile Court of Trieste had at hearings held on 20th April, 2017 and 6th December, 2017 decreed that the couple have been found favourably suited to adopt a child. There is nothing objectionable therein.

4. Child Study Report of Master Jalaba has been conducted and he was found to be friendly. Medical examination report is also on record. The petitioners have today presented an updated physical, mental and financial update of the prospective adoptive parents and there is nothing to suggest any change from the time the petition was filed. The report is dated 24th September, 2020.

5. In view thereof I pass the following order;

(i) Petition is allowed in terms of prayer clause (a) to (d) both inclusive.

(ii) Judges order is signed separately. Undertakings are accepted.

(iii) This order shall be digitally signed by the Personal Assistant of this Court.

(A. K. MENON, J.)

Rajeshwari
R. Pillai
Digitally signed
by Rajeshwari
R. Pillai
Date:
2020.12.10
16:55:48 +0530