

Tauseef

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

**INDIAN ADOPTION PETITION NO.9 OF 2020
WITH
JUDGE'S ORDER NO.16 OF 2020
IN
INDIAN ADOPTION PETITION NO.9 OF 2020**

Indian Associate for Promotions of
Adoption and Child Welfare ...Petitioner
V/S.

Pritesh Pramod Vyawahare &
Rinku Pritesh Vyawahare (Prop. Adopters)
& Ankita (Minor) ...Proposed Adopters

Mrs. Raj Smt. Lalita Jaya Raj, Advocate for Petitioner.
Mr. O. Hareendran, Scrutiny Officer, ICSW present.

**CORAM : G.S. KULKARNI, J.
DATED : 06th FEBRUARY 2020.**

P.C.:

1. This is an Indian Adoption Petition, whereby the Petitioner Indian Associate for Promotions of Adoption and Child Welfare, a recognized adoption agency as described in para 1 of the petition, alongwith Mr. Pritesh Pramod Vyawahare, aged 45 years and his wife Rinku Pritesh Vyawahare, aged 39 years (for short "Adoptive Parents"), who are residents of Kamdhenu Jasmine, Building C-2, Flat No.102, Besides SBI Bank Pimple Saudagar, Pune – 411 027 are before the Court

praying that female minor child Ankita born on 24 August 2019 be given in adoption to the adoptive parents.

2. In pursuance of an order by Child Welfare Committee on 20 September 2019, minor Ankita was placed in the safe custody of the petitioner institution with effect from 20 September 2019. Her biological mother thereafter relinquished her before the Child Welfare Committee on 29 September 2019.

3. The Child Welfare Committee thereafter undertook an enquiry under Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short “**Juvenile Justice Act**”) and declared minor Ankita legally free for adoption. A certificate to that effect is placed on record.

4. In so far as the adoptive parents are concerned as noted above, they are Indian Nationals residing at Pune, Maharashtra. They are married for past 12 years (date of marriage 24 January 2008) with no biological children.

5. The adoptive parents were motivated to have a child. The petitioners have placed on record a motivation letter dated 24 December 2019 interalia recording their thoughts in regard to adoption. They always dreamed to become parents and hence very much intended to adopt a child.

6. Insofar as the adoptive father is concerned, he is working as the Assistant Consultant at the TATA Consultancy Services, Pune since 02 July 2007. His monthly gross salary is about Rs.1,23,781/- as in October 2019. His Employment Letter, Identity Card, Salary Slip, Salary Certificate and Form No.16 are placed on record. The adoptive mother is a homemaker. Also copies of Pan & Aadhar Card, Asset & Liability Statement, Property declaration, copies of Bank Deposit Receipts, Insurance Certificates, Bank Statement are also placed on record.

7. The medical report of the adoptive father is dated 23 December 2019 which records that he is clinically and physically fit for parenting. His HIV and Hepatitis B test are also negative. The medical report of the adoptive mother dated 27 December 2019 shows that she is under regular care for diabetes which is in control with treatment and follow-up. She is also medically fit to adopt a child. Her HIV and Hepatitis B test reports are also in the negative.

8. There is a home study report Part-I (self-assessment) which is a self-assessment setting out the details of the familiarity of the adoptive parents in regard to adoption, the family background and the professional and employment details of the adoptive father, current marital relationship, the attitude of grand parents and extended family, the

anticipatory plans of adoptive parents for the adoptive child and rearing in the family, etc. There is a home study report part II which is assessment report by the Social Worker attached to Society of friends of Sassoon Hospitals (SOFOSH), Pune. The home study report is undertaken by Ms. Priyanka Jakkan, Adoption Social Worker, SOFOSH Agency. She has discussed in her report about psychological assessment of the adoptive parents, their personal details, marital relationship, her report on interaction with the adoptive parents, her findings on home visit, the reasons for adoption, the description of their home, their financial capacity, which include their investments etc. She has made a positive recommendation in paragraph 3 of her report stating that the adoptive parents would be able to provide and maintain a decent standard of living to the child placed with them in adoption.

9. There is a child security undertaking dated 07 January 2020 which is by the Sister and Brother-in-law of the adoptive mother who are residents of Pune, 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 examination report as placed on record dated 02 December 2019 which states that the "Child has attained development, appropriate for her age". The adoptive parents have countersigned the said report. Also the HIV

test report of the minor dated 21 November 2019 certifying the case as Non-Reactive.

11. 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 Ankita.

12. There is a Pre-adoption foster care undertaking date 09 January 2020 in pursuance to which it is informed that the child is in the foster care of the adoptive parents. The photographs of the adoptive parents as also of the minor are placed on record.

13. There is also an undertaking dated 20 December 2019 of Society of friends of the Sassoon Hospitals (SOFOSH), Pune for furnishing post adoption follow up reports. It is stated that the recognition of the Petitioner - Institution is valid upto 31 July 2019.

14. There is a representation of Mr. O. Hareendran of the Indian Counsel of Social Welfare, Central Office, Mumbai, dated 04 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.

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

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 **Ankita @ Ovee Pritesh Rinku Vyawahare**.
- (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 **Ankita @ Ovee Pritesh Rinku Vyawahare** born on 24 August 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 **Ankita** to **Ovee Pritesh Rinku Vyawahare**
born on 24.08.2019.

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 Ankita @ Ovee Pritesh Rinku Vyawahare 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 adoptive parents are directed not to give the minor Ankita @ Ovee Pritesh Rinku Vyawahare 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.)