

2. The biological mother surrendered minor Tanu @ Nitya Tarachandra Pednekar before the Child Welfare Committee. 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 20 September 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 requirement of Section 38 of the Juvenile Justice Act and by an order dated 22 November 2019, the child welfare committee declared the minor legally free for adoption. A certificate to that affect is also placed on record.

4. Insofar as the adoptive parents are concerned as noted above, they are Indian Nationals residing at Gogal Margao, Goa. They are married for past 7 years (date of marriage 11 July 2012) with one biological son “Ninad” aged about 6 years. His birth certificate, Medical reports are placed on record. The Family Photograph is also on record.

5. There is a motivation letter of the adoptive parents placed on record. It is stated that the adoptive parents wanted a baby girl in family

and this was their dream before marriage. 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 23 December 2019 records that, the prospective adoptive parents are considered suitable to adopt child Tanu.

7. Insofar as the adoptive father is concerned, he is working as the Assistant Manager, Cadila Healthcare Limited, Goa, since July 2016 and his monthly gross salary is about Rs.83,567/- as in December 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 a homemaker. The other details of the adoptive parents namely, Pan Card copies, Driving Licence, 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 are also investments of the adoptive parents, the details of which are also placed on record.

8. There is a home study report Part-I (self-assessment) dated 24 October 2017 by the proposed adopters. The home study report part II is

an assessment report of the Social Worker of Matruchhaya, Ponda, Goa, on the basis of a home visit undertaken on 24 October 2017 which records that the prospective adoptive parents are physically and emotionally sound to take care of a child. Both are qualified and financially sound to welcome another member into their family. They are well prepared for adoption and do not have any difficulty to adopt child.

9. There is a child security undertaking dated 16 December 2019 which is by the brother of prospective adoptive father residing at Margao, Goa 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 02 December 2019 which records that the “Child is mentally and physically normal”. The proposed adopters have examined the report and have also counter signed the said report. The HIV test report of the minor dated 21 September 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 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 dated 16 December 2019 in pursuance of which the child is already in the foster care of the adoptive parents. There is an Affidavit of Specialized Adoptive Agency in support of the prayers as made in the Petition.

14. An undertaking dated 17 December 2019 of Matruchhaya, Ponda, Goa to furnish post adoption follow up reports is placed on record. It is stated that the recognition of the Petitioner - Institution was valid upto 31 December 2018 and as permissible under the 2017 regulations the petitioner institution was eligible to file this petition, pending the renewal application.

15. There is a representation of Mr. O. Hareendran of the Indian Counsel of Social Welfare, Central Office, Mumbai, dated 01 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 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 **Tanu @ Nitya Tarachandra Pednekar**.
- (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 **Tanu @ Nitya Tarachandra Pednekar** born on 13 September 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 **Tanu** to **Nitya Tarachandra Pednekar** born on 13.09.2019.

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 Tanu @ Nitya Tarachandra Pednekar 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 prospective parents are directed not to give the minor Tanu @ Nitya Tarachandra Pednekar 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.)