

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

**INDIAN ADOPTION PETITION NO. 5 OF 2020
with
JUDGE'S order no.10 of 2020**

Shree Manav Seva Sangh.	...Petitioner/Applicant
And	
1. Shrikrishna Anil Joshi	
2. Sanika Shrikrishna Joshi	...Prospective Adoptive Parents

Mr.Rakesh Kapoor, Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer, ICSW present.

CORAM : G.S. KULKARNI, J.

DATE : 4 February 2020

P. C.

1. This is an Indian Adoption Petition wherein the petitioner-Shree Manav Seva Sangh, Mumbai, a recognized specialised adoption agency as described in paragraph one of the petition alongwith Shri.Shrikrishna Anil Joshi and his wife Mrs.Sanika Shrikrishna Joshi, (for short 'Adoptive Parents') both residents of 744, Navendra Wadi, Waravade, Taluka and District Ratnagiri, are before the Court praying that male minor child Atharv born on 7 September 2019 be given in adoption to the adoptive parents.

2. The biological parent relinquished the minor child before the Child Welfare Committee (CWC), Mumbai City II on 11 September 2019, in pursuant to which the safe custody order was passed by the Child Welfare Committee handing over the custody of the minor child to the petitioner institution.

3. Thereafter an inquiry was undertaken by the Child Welfare Committee as per Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Juvenile Justice Act') and consequent thereto the Child Welfare Committee declared minor Atharv legally free for adoption as on 22 November 2019. A certificate to that effect dated 22 November 22 November 2019 is placed on record.

4. In so far as adoptive parents are concerned, they are permanent residents of Ratnagiri, aged about 41 and 35 years respectively. They are married since last 14 years (Date of marriage: 25 May 2005) with no biological children. A family photograph of the adoptive parents is placed on record at page 70.

5. There is a motivation letter placed on record whereby the adoptive parents have declared that both of them dreamed of being parents. They both love children and feel that children can bring much joy and happiness in the family. They are aware that families are built in many ways and adoption is one of the positive ways of uniting with child. They record that they are very comfortable with adoption and

have declared that they will love the child to whom they would be adopting as if the child was born to them. They have also declared that even their extended family members would also love the child and therefore, the adoptive parents took a decision to adopt a child.

6. There is a decision of the Adoption Committee dated 23 December 2019 of the petitioner institution recording that the adoptive parents are considered suitable to adopt the child Atharv. This is also supported by an affidavit of the Chief Functionary of the Specialized Adoption Agency, who also affirmed to the averments as made in the petition.

7. In so far as the health report of the adoptive father is concerned, it is dated 19 December 2019 which records that he is suffering from Type 2 diabetes Mellitus and hypertension which is well controlled with diet, exercise and medicines. There is also a medical report of Dr.M.D.Mohire certifying that the adoptive father is suffering from epilepsy since last 22 years and also from high BP since 1997 and from diabetes since last 7 years. However, he certifies that all these ailments are under control and he requires life time treatment and there is no impediment for him to adopt a child. HIV report of the adoptive parent is also negative.

8. In so far the adoptive mother is concerned her HIV I and II and HBsAG test is on record certifying it to be negative. Her medical and Biochemistry report are on record which do not demonstrate any

abnormality. There are reference letters of the friends and relatives of the adoptive parents supporting the adoption decision of the adoptive parents.

9. In so far as financial status of the adoptive father is concerned, he is a farmer and owns agricultural land. His agricultural income for the Assessment Year 2019-20 is Rs.3,10,160/-. His income affidavit and income tax returns for the Assessment Years 2017-18, 2018-19 and 2019-20 are on record. The adoptive mother is stated to be home maker. Their pan card copies, proof of residence, LIC certificates and bank statements are placed on record. There is investment in LIC policies with sum assured of Rs.2,00,000/-, Rs.1,00,000/- and again Rs.1,00,000/-. There is fixed deposit with Bank of Maharashtra having maturity value of Rs.2,53,283/- maturing on 31 December 2020 and another fixed deposit with Bank of Maharashtra maturity value of Rs.1,43,903/- maturing on 2 April 2020. There is an affidavit of the adoptive father dated 20 December 2019 certifying his income for the last three assessment years and the details of the income tax returns filed by him.

10. There is home study report Part I-Self Assessment by the adoptive parents which has all necessary details in regard to the familiarity with adoption, family background information, information in regard to the parents, professional/employment details, financial position, current marital relationship, attitude of

grandparents/extended family member, rehabilitation plan for the child in case of any eventuality, health status etc. There is also Assessment Report-II of the Social Worker associated with the institution “Late Smt.Janakibai (Akka) Tendulkar Mahilashram, Lanja” (Dattak Grahan Kendra), Ratnagiri. This report is signed by Ms.Pratiksha Kotiyan, social worker associated with the said institution. She has undertaken psycho-social assessment, she has recorded her findings on a home visit. She has also recorded her findings on interaction with the family members and on the financial capacity. In paragraph 3 of the report, the social worker has recommended the adoption in question by the adoptive parents. She has recorded that the adoptive parents are married since 2005. They do not have any biological child. They underwent a treatment to have a biological child but could not succeed and hence decided to adopt a child. It is recorded that the couple has a stable family structure and there is openness to adoption from close family members and friends. She has also recorded that the adoptive father is taking medicines for the diabetes and epilepsy and family can well foster the child and they are capable to nurture the child. She has thus recommended adoption.

11. There is child security undertaking dated 19 December 2019 given by Mr.Gaurav Mukund Phadke and Mrs.Radha Gaurav Phadke,

who are relatives of the adoptive parents, to take care of the minor Atharv.

12. There is pre-adoption foster care undertaking dated 20 December 2019 on record in pursuance of which minor child Atharv is already given in foster care of adoptive parents. There is an undertaking dated 21 December 2019 of the Authorities of Late Smt.Janakibai (Akka) Tendulkar Mahilashram, Lanja (Dattak Grahani Kendra) Ratnagiri, for furnishing post adoption follow-up reports.

13. The adoptive parents intend to change the name of the minor child **Atharv** to be renamed as **Vallabh Shrikrishna Joshi**.

14. The petitioner-institution's recognition from the Women & Child Development, Maharashtra, to place children in adoption was valid upto 31 December 2018, however, the petitioner-institution has applied for renewal and in the interregnum has filed this adoption petition under the provisions of Regulation 24(5) of the Adoption Regulations, 2017.

15. There is a representation of Mr. O. Hareenran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, (marked 'X' for identification) dated 3 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.

16. The copies of the financial documents and medical report of the adoptive parents, submitted by Advocate Mr.Kapoor are taken on record and marked “**X-1**” for identification.
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 terms of prayer clauses (a),(b), (c) and (d) which read 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 **VALLABH SHRIKRISHNA JOSHI**;
- (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 **VALLABH SHRIKRISHNA JOSHI** born on **07.09.2019** and stating

thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from **ATHARV** to **VALLABH SHRIKRISHNA JOSHI** born on **07.09.2019**.

2. The Judge's order is separately signed.
3. The adoptive parents shall invest an amount of Rs. 1,50,000/- (Rs. One Lakh Fifty thousand Only) in the name of the minor **VALLABH SHRIKRISHNA JOSHI** 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 four months from today. Judges order be accordingly read.
5. The prospective parents are directed not to give the minor **VALLABH SHRIKRISHNA JOSHI** in further adoption to any other person without the leave of the Court.
6. The Indian adoption petition is disposed of in the above terms.