

Tauseef

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

INDIAN ADOPTION PETITION NO. 12 OF 2020
with
JUDGE'S order no.26 of 2020**

St. Catherin's Home	...Petitioner/Applicant
And	
1. S. Srinivasan,	
2. Lisha Srinivasan	...Prospective Adoptive Parents

Mr.Rakesh Kapoor, Advocate for the Petitioner.

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

CORAM : G.S. KULKARNI, J.

DATE : 21st February 2020

P. C.

1. This is an Indian Adoption Petition wherein the petitioner-St. Catherin's Home, Mumbai, a recognized specialised adoption agency as described in paragraph one of the petition alongwith Shri.S. Srinivasan and his wife Smt. Lisha Srinivasan, (for short 'Adoptive Parents') both residents of 81/601, Lok Nisarg G.P. Road, Vaishali Nagar, Mulund West, Mumbai – 400 080, are before the Court praying that male minor child Mitul born on 30 July 2019 be given in adoption to the adoptive parents.

2. The biological parent relinquished the minor child before the Child Welfare Committee (CWC) II, Mumbai Suburban District on 09 August 2019, in pursuance of which a 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 Mitul legally free for adoption as on 08 November 2019. A certificate to that effect is placed on record.

4. In so far as adoptive parents are concerned, they are permanent residents of Mulund, Mumbai, aged about 46 and 42 years respectively. They are married since last 10 years (Date of marriage: 15 February 2010) with no biological children. A family photograph of the adoptive parents is placed on record. Also the photograph of minor Mitul is placed on record.

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

to their family. They are aware that families are build in many ways and adoption is one of the positive way of uniting with child. They record that they are very comfortable with adoption and have declared that they would love the child 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.

6. There is a decision of the Adoption Committee dated 07 January 2020 of the petitioner institution recording that the adoptive parents are considered suitable to adopt the child Mitul. This is also supported by an affidavit of the Chief Functionary of the Specialized Adoption Agency, who affirm to the averments as made in the petition.

7. The health reports of the adoptive parents are dated 20 January 2020 which records them to be in good health with no current or past health problems. The physician has recommended them for parenting an adoptive child. The HIV I & II and Hepatitis B test report of the adoptive parent is also negative.

8. In so far as financial status of the adoptive father is concerned, he is working as an Assistant Manager with J.B. Boda Insurance & Reinsurance Brokers Pvt. Ltd., Mumbai since May 1995, his monthly gross salary is Rs.32,370/- (December 2019), Form No.16 issued by the employer is on

record. The adoptive mother is stated to be a home maker. Their pan card copies, Aadhar Card, proof of residence and other supportive financial documents are on record. There is investment of the adoptive parents in LIC policies with sum assured of Rs.1,00,000/-(adoptive father) and Rs.1,20,000/-(adoptive mother). There is fixed deposit with Allahabad Bank having maturity value of Rs.55,818 - maturing on 17 May 2022, Union Bank having maturity value of Rs.62,657 maturing on 24 February 2022 and another fixed deposit with Union Bank maturity value of Rs.103,362/- maturing on 23 March 2026. The copies of the financial documents and medical report of the adoptive parents, submitted by Advocate Mr.Kapoor.

9. A home study report Part I-Self Assessment by the adoptive parents is on record. There is also Assessment Report-II of the Social Worker associated with the institution "Vatsalya Trust, Mumbai" on the basis of a home visit by the social worker on 28 August 2018. The report states that prospective adoptive parents are very caring and responsible, sharing a strong and stable marital relationship. The adoptive father is stated to have a successful career and financial stability. As per his assessment, the social worker has recommended the adoptive parents for adoption of a minor child up to two years as per their wish.

10. In so far as minor Mitul is concerned his medical reports are placed

on record. The report dated 04 December 2019 records that the minor physically and mentally an active child. The medicals report are examined by the adoptive parents and counter signed by them. The HIV report of the minor dated 17 September 2019 also are in the negative.

11. There is child security undertaking dated 15 January 2020 given by the brother and sister-in-law of the prospective adoptive father residing at Mulund, Mumbai, to take care of the minor Mitul in case of any unfortunate event happening to the adoptive parents.

12. There is a pre-adoption foster care undertaking dated 14 January 2020 on record in pursuance of which minor child Mitul is already in the foster care of adoptive parents. There is an undertaking dated 13 January 2020 of the Authorities of Vatsalya Trust, Mumbai, for furnishing post adoption follow-up reports.

13. The adoptive parents intend to change the name of the minor child **Mitul** to be renamed as **Srihari Srinivasan**.

14. The petitioner-institution's recognition from the Women & Child Development, Maharashtra, to place children in adoption is valid upto 24 April 2020.

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 21 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. Today's hearing was also attended by the adoptive parents as also the mother of the adoptive father. They all are an immensely happy family on account of their decision to take minor Mithul in adoption, as apparent from my brief interaction with them.

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 **SRIHARI SRINIVASAN;**

(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 **SRIHARI SRINIVASAN** born on **30.07.2019** 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 **MITUL** to **SRIHARI SRINIVASAN** born on **30.07.2019**.

2. The Judge's order is separately signed.
3. The adoptive parents shall invest an amount of Rs. **1,00,000/- (Rs. One Lakh Only)** in the name of the minor **SRIHARI SRINIVASAN** 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 **SRIHARI SRINIVASAN** 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.

(G.S. KULKARNI, J.)