

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**FOREIGN ADOPTION PETITION NO. 3 OF 2020**

Janani Ashish Charitable Trust ....Petitioner

AND

Harsh Shreyas Coni and Anr. ....Proposed  
Adopters

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Mr. Rakesh K.L.Kapoor, Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer.

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**CORAM : G.S. KULKARNI, J.**

**DATE : 28 FEBRUARY 2020**

**P. C.**

Leave to amend the cause title to incorporate new address of the petitioners-adoptive parents. Amendment be carried out forthwith.

2. This is a foreign adoption petition wherein the petitioner, Janani Ashish Charitable Trust, having its address at Plot P/37, M.I.D.C., Res. Zone Dombivali (East)-421 203, Dist. Thane, Maharashtra, a recognized adoption agency alongwith the co-petitioners Mr. Harsh Shreyas Sone and his wife Mrs. Monika Patel Soni, both of whom are citizens of United States of America having their address at 4809 Birmingham Way, San Jose, California 95136, U.S.A., (for short “the adoptive parents”) are before the court praying that male minor “Suraj” born on 18 October 2016 be granted in adoption to the adopters.

3. On 20 June 2016 minor Suraj was presented before the Child Welfare Committee (for short “CWC”), Thane. By an order dated 25 October 2016, the CWC granted safe custody of minor Suraj to the petitioner institution with effect from 20 October 2016 as per the provisions of Section 33 (4) of the Juvenile Justice (Care and Protection of Children Act, 2015 (for short “**Juvenile Justice Act**”).

4. Thereafter, an inquiry was undertaken by the CWC under Section 38 of the Juvenile Justice Act and in pursuance thereto, minor Suraj was declared legally free for adoption on 8 January 2019. Copy of the order is placed on record. The Central Adoption Resource Authority (for short “CARA”) has also issued a “No Objection Certificate” dated 19 November 2019 to the adoption of minor Suraj by the adoptive parents as per Adoption Regulations 2017 and Article 17 (c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption 1993.

5. Insofar as the adoptive parents are concerned, as noted above they are American Nationals of Indian origin, presently residing at California, U.S.A., who are aged about 38 and 39 years respectively. They are married for last 13 years (Date of Marriage 26 December 2006) with one biological daughter, Raina Harsh Soni, who was born on 13 May 2012. Her birth certificate, consent letter and health report

are placed on record. A Joint family photograph of the adoptive parents along with copies of passport and O.C.I. Registration Certificate are placed on record.

6. In regard to the health report of adoptive parents, these are dated 13 May 2019 and 14 May 2019 which record no symptoms of any contagious, terminal, physical, mental disease or any physical incapacity detrimentally affecting their fitness to have custody of and educate an adoptive child. Their HIV reports certify the case as non reactive.

7. Insofar as the adoptive father is concerned, he is working as an Associate Manager with "Accenture" since 22 February 2010. His income for the year 2018 was USD 108,179.06. The adoptive mother is also working as Graphic Designer with "A&D Engineering", since 1 May 2017. Her annual salary is USD 88,192.08. The income tax returns for the year 2018 of the adoptive parents are placed on record. Also bank reference and statement of financial assets and property are on record. The petitioners have also placed on record proof of residence as also new address of the adoptive parents which is 4809 Birmingham Way, San Jose, California 95136, U.S.A. as the same is different from the address which was informed to CARA.

8. There is a home study report dated 10 June 2019 of the authorities of “Across the World Adoptions” California, USA, which record that the adoptive parents are matured individuals who are in a secure and stable marriage with good communication and problem solving skills within their relationship. They are stated to be devoted parents to their biological daughter and are motivated to provide the same devotion to the adopted child. The report also states that they are healthy, active individuals with stable income and more than adequate financial resources and capacity to care for additional children. They are accordingly recommended for adoption of one male child of two to four years of age at the time of referral from India.

9. There is psychological assessment report of the adopted parents dated 15 August 2018 which records that they are free of any mental conditions that would make them mentally unstable and/or unable to function or prohibit their ability to parent.

10. There is also an Article 5 letter dated 10 October 2019 of the Embassy of USA, office of Children’s Issues, U.S. Department of State, Washington DC. The adoptive parents have also placed on record a child care arrangement plan declaration dated 30 September 2016.

11. Insofar as medical examination report of the minor is concerned, it is dated 19 February 2019 which records that minor Suraj is an active and playful child. His physical development and communication skills are normal for his age. However, his cognitive skill is below average and requires intervention. The HIV test reports of the minor dated 30 August 2019 are in the “Negative”. A post card size photograph of the minor is placed on record.

12. There is a declaration of willingness and undertaking of the adoptive parents recording that they are willing to be appointed as parents of the child according to the applicable laws of India and USA and provide the child with the necessary education and upbringing according to their status and make him the heir of their family.

13. There is also an undertaking dated 27 June 2019 of the Authorized Foreign Adoption Agency (AFFA) “Across the World Adoptions” California, USA to provide follow-up report of the child and make alternative arrangement in case of disruption of the adoptive family. There is also a special power of attorney dated 29 August 2016 duly signed by the adoptive parents in favour of the petitioner institution as placed on record. The undertaking/affidavit by the petitioner is on record.

14. The CARA (The Central Adoption Resource Authority) has also issued a no objection certificate dated 19 November 2019 apposing the adoption.

15. Mr. O. Hareendran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, has made a representation (marked 'X-1' for identification), setting out all the details in regard to the proposed adopters. This representation does not indicate anything adverse, for this court, not to permit the adoption in question.

16. Having heard the learned Counsel for the petitioner and having perused the record as noted above, the permission as granted by CARA as also having perused the report of Mr. O. Hareendran, Scrutiny Officer from the Institute of Child and Social Welfare dated 26 February 2020, in my opinion the adoptive parents appear to be suitable to adopt minor Suraj. Considering the paramount interest and welfare of the minor male child Suraj and the intention, desire and spirit of the adoptive parents, to have in adoption a minor child like Suraj from India, the petition is required to be allowed. It would be required to be allowed accepting the undertakings as made by the adoptive parents as placed on record as also the undertakings which are furnished by the Authorised Foreign Adoption Agency "Across the World Adoptions" California, USA. The agency shall for a period of

three years send half yearly reports in regard child 'Suraj' to CARA. I thus do not find any impediment in granting the reliefs as prayed for.

17. Hence, the following order:-

### ORDER

(a) The male minor Suraj born on the 18 October 2016 be granted in adoption to the proposed Adopters under Section 59 (7) of the Juvenile Justice Act, 2015.

(b) It is declared that petitioners Mr. Harsh Shreyas Soni and his wife Mrs. Monika Patel Soni shall be the Adoptive Parents of the said minor and shall have all parental rights, privileges and responsibilities over the said minor child Suraj now in the care and custody of Janani Ashish Charitable Trust, Plot P/37, M.I.D.C., Res. Zone Dombivali (East)-421 203, Dist. Thane, Maharashtra.

(c) That the adoptive parents are allowed to change the name of the minor **Suraj to Suraj Harsh Soni**.

(d) Leave/Permission is granted to apply to the concerned Municipal Authorities to issue Birth Certificate of the said minor **Suraj Harsh Soni**.

(e) The Adoptive parents are granted leave to remove the said minor Suraj Harsh Soni, from the jurisdiction of this

Hon'ble Court and to take the said minor to USA or wherever they may reside in future.

2. The Judge's order is separately signed.
3. The adoptive parents shall also through concerned Authorities forward half yearly progress and development reports of the minor for a period of three years from today, to the Central Adoption Resource Authority (CARA), New Delhi.
4. The foreign adoption petition is disposed of in the above terms.
5. Parties be furnished authenticated copy of this order.

**[G.S. KULKARNI, J.]**