

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

INDIAN ADOPTION PETITION NO. 15 OF 2020
with
JUDGE'S Order no.32 of 2020

M.S.W.C.Asha Sadan Balgruh.

...Petitioner

And

1. Naveen Kumar

2. Sumati Rawat Kumar

...Proposed Adopters

Ms.Dipal Mehta, Advocate for the Petitioner.

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

CORAM : G.S. KULKARNI, J.

DATE : 28 February 2020

P. C.

1. This is an Indian Adoption Petition wherein the petitioner-M.S.W.C. Asha Sadan Balgruh, Mumbai, a recognized specialised adoption agency as described in paragraph one of the petition alongwith Shri.Naveen Kumar and his wife Mrs.Sumati Rawat Kumar, (for short 'Adoptive Parents') aged 31 and 39 years respectively, also are residents of Flat no.6, Plot no.612A, Khasra No.278, Saidulajab, New Delhi-110030, are before the Court praying that male minor child **Ansh** born on 22 April 2019 be given in adoption to the adoptive

parents. They are parents of a daughter named “Abhitha” their biological child. She is about 6 years and 3 months in age.

2. The case of the petitioner is that the minor Ansh was surrendered by his biological mother before the Child Welfare Committee, Mumbai City-II, Mumbai on 10 May 2019. The safe custody of minor Ansh was handed over to the petitioner institution, by an order dated 3 May 2019. Thereafter by an order dated 19 July 2019 the Child Welfare Committee declared minor Ansh legally free for adoption as on 19 July 2019. A certificate to that effect is placed on record.

3. There is a motivation letter dated 20 December 2019 which records in detail the desire of the adoptive parents to have child in adoption and that they would confer love and affection on the child as if the child was born to them.

4. There are medical reports of the adoptive parents dated 20 December 2019 recording that the health of the adoptive parents do not disqualify in parenting a child in anyway. They are currently not under any medication. The HIV I and HIV 2 test reports as also HbsAg test reports certified them to be non-reactive. The adoptive mother

has a mild Diabetes Mellitus for the last three years. They are stated to be of good health and physically fit to adopt the child.

5. The adoptive father is working as Assistant Manager (Civil & Structure) with EDC since 1 August 2017. His monthly gross salary for the Month November-2019 is Rs.1,23,429/-. His salary slips and Income Tax Returns for the Assessment Years 2017-18, 2018-19 and 2019-20 are placed on record. The adoptive mother is working as Data Entry Operator with Society for Applied Studies, New Delhi since 1 June 2016. Her monthly gross salary for the month November 2019 is Rs.35,328/-. Her appointment order and salary slips are placed on record. Also copies of PAN Card, proof of residence/property and bank statements and other financial documents are placed on record.

6. There is a Home Study Report Part-I – Self assessment dated 10 October 2017 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 members, anticipated plans of the adoptive parents for adopted child and rearing in the family, preparation and training for adoption, rehabilitation plan for the child in case of any eventuality with prospective adoptive

parents, health status etc. There is also Assessment Report-II of the Ms. Loraine Campos (MSW), Assistant Director (Adoption/Palna), Delhi Council for Child Welfare , setting out his remarks on the adoptive parents under various heads to list some of them namely the factual assessment, psycho-social assessment, his findings on home visit, financial capacity, physical and emotional capacity. In the recommendation, Ms. Loraine Campos (MSW) has recorded that the adoptive parents are well prepared for adoption and their biological daughter is a confident little girl and is being well looked after. They are progressive, well educated, honest people. Their home is child friendly and very well maintained and hygienic and has more than sufficient income to care for two children. She has recommended adoption of a minor child. The adoptive parents have also placed on record a child care arrangement plan from the adoptive mother. There is also a child security undertaking dated 18 January 2020 by the elder brother and sister-in-law of the prospective adoptive father to look after the minor Ansh in case of any mishap to the adoptive parents. The photograph of the adoptive family as also of minor Ansh are also placed on record.

7. In regard to the medical examination of minor Ansh, a report dated 20 November 2019 is placed on record stating that his health status is normal and his mental development is normal for age. The

adoptive parents have also countersigned the said report. The HIV report of the minor dated 6 November 2019 is also placed on record certifying him to be non-reactive.

8. There is a joint declaration of consent and willingness of the adoptive parents stating that they are declaring that they are willing to be appointed or declared as adoptive parents of minor Ansh. Also there is a pre-adoption foster care undertaking dated 18 January 2020 in pursuance of which the child is already in foster care of the adoptive parents.

9. The local agency the Delhi Council for Child Welfare, New Delhi, also has issued an undertaking dated 27 January 2020 for furnishing post adoption follow up reports.

10. The adoptive parents desire that the minor **Ansh** be renamed as **Ansh Naveen Kumar**.

11. The petitioner-institution's recognition from the Women & Child Development, Government of 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.

12. 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 18 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.

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

14. 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) and (b) which read thus:-

- (a) This Hon'ble Court may be pleased to appoint the Co-Petitioners, Naveen Kumar and Sumati Rawat Kumar as the adoptive parents of the male minor, Ansh @ Ansh Naveen Kumar, in the care of the M.S.W.C. Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai-400009,
- (b) That the Co-Petitioners be allowed to change the name of the minor from "**Ansh**" to "**Ansh Naveen Kumar**",
- (c) That the Co-petitioners may be granted leave to remove the aforesaid child from the jurisdiction of this Hon'ble Court and to take the minor alongwith them, i.e. to the Co-petitioners' family wherever they may reside or their work may require them to,
- (d) That the Co-petitioners, Naveen Kumar and Sumati Rawat Kumar may be granted leave to make an application to the passport authorities or any other authorities for the same,
- (e) That the concerned Municipality/ the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days from the date of application of the petitioner, as per the provisions of regulation 36 of the Adoption Regulations."

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 **Ansh @ Ansh Naveen Kumar** 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 **Ansh @ Ansh Naveen Kumar** 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.

Prashant
V. Rane

Digitally signed by
Prashant V. Rane
Date: 2020.03.06
11:25:51 +0530

[G.S. KULKARNI, J.]