

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
JUDGES ORDER NO. 49 OF 2020
IN
FOREIGN ADOPTION PETITION NO. 8 OF 2020

Bal Asha Trust

... Petitioner

vs.

Carlos Alberto Bernal Reyes and

... Proposed Adopters

Sarah Elizabeth Bernal

Mr. Rakesh Kapoor for the Petitioner.

Mr. O. Hareendran Nambiar for Indian Council of Social Welfare.

Mr. Arun Kesarkar, 3rd Assistant Master.

CORAM : A. K. MENON, J.

DATED : 25th NOVEMBER, 2020.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. This petition seeks order in relation to adoption of two minor female children by the proposed adopters pursuant to Section 59(7) of the Juvenile Justice (Care and Protection of Children) Act 2015 . They seek to change the name of the minors and seek appropriate directions to the concerned Municipal Corporation to issue birth certificates. Permission is also sought to take the minors outside the jurisdiction of this Court.

2. The petitioners are citizens of the United States of America presently Overseas Citizens of India, holding relevant permits. The fact of their marriage is established by Certificate of Marriage dated 19th May, 2009. The motivation for adoption is set out in the petition and its relevant annexures. Medical examination report of the prospective adoptive parents and the children are also found to be annexed and found to be satisfactory.

3. The children are declared to be legally free for adoption as seen from Exhibit A. The Child Welfare Committee has certified this on 24th July, 2019. Safe Custody order is in place. The children have been residing with the prospective adoptive parents since sometime in January, 2020. Employment of the prospective adoptive father is established, Home Study is also seen to be carried out and is annexed at Exhibit E.

4. I have today heard the petition, the prospective adoptive parents had also appeared on the video conference. They confirm their intention to apply for passport for the children and thereafter seek appropriate immigration. Visa applications for the adoptive children would take its course. Meanwhile the Assistant Commissioner of Police, Special Branch Vadodara city has also certified the residential status of

the prospective adoptive parents. There is nothing adverse against them. Declaration and willingness of the prospective adoptive parents are also annexed. In that view of the matter it will be appropriate that the prospective adoptive parents secure suitable confirmation from the Embassy of United States of America pertaining to the adoption of both children in their prospects of their having to immigrate in future. The children also appeared on camera, they were cheerful and they appear to have adjusted well in their prospective adoptive parents home.

5. The petition is therefore allowed in the above terms on the condition that in the event both prospective adoptive parents intend to travel outside India it will have to be ensured that the minors also accompany them. Undertakings are accepted.

6. Judges order is signed separately.

7. This order shall be digitally signed by the Personal Assistant of this Court.

8. The Associate of this Court shall issue authenticated copy of this order along with authenticated copy of the Judges Order since the certified copy branch is stated to be non-functional at present.

(A. K. MENON, J.)

Rajeshwari
R. Pillai

Digitally signed
by Rajeshwari
R. Pillai
Date:
2020.11.26
14:53:04 +0530