

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

AND

IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO. 36 OF 2020

M.S.W.C. Adoption Group ... Petitioner

vs.

Anthony Dandy Gilbert and ... Proposed Adopters
Welma Thelma Gonsalves

Ms. Dipal Sanjanwala Mehta for the Petitioner.

Mr. Arun Kesarkar, 2nd Assistant Master.

CORAM : A. K. MENON, J.

DATED : 22nd DECEMBER , 2020.

P.C. :

1. The petition is filed pursuant to section 58 (3) of the Juvenile Justice (Care and Protection of children) Act 2015. Mr. O. Hareendran Nambiar for Indian Council of Social Welfare is granted leave of absence in view of Emailed submissions and Covid-19 protocols.

2. The petitioner is M.S.W.C. Adoption Group at Asha Sadan Childrens Home. The co-petitioners being residents of Goa have been

married since 19 years. They have no biological children. They propose to adopt a minor male born on 24th July, 2018. Child was declared free for adoption by the Child Welfare Committee, Mumbai City I on 28th December, 2018 pursuant to inquiry report by social worker and deed of surrender.

3. The Adoption Committee initially found that the prospective adoptive parents were not prepared to proceed with adoption as of 4th February, 2020. Subsequently they have reconvened meeting on 7th September, 2020. Minutes of the meeting of the committee has been placed on record by Ms. Mehta. The same is taken on file and marked "X" for identification. The committee felt that child could be given in adoption subject to submission of necessary documents, medical certificate etc.

4. The prospective adoptive parents have reconfirmed their intention to adopt. They confirm that the child is with them since two months. Family members and relatives are all happy to get alongwith the child. The current photograph of the child with the prospective adoptive parent is also been placed which records that the child appears to be happy and cheerful.

5. As far as income declarations are concerned it has been stated that the income is depleted on account of the Covid-19 driven pandemic and as a result of which the prospective adoptive parents income from travel business had reduced. However, the situation is expected to improve. The prospective adoptive parents have filed their declaration of consent and willingness to adopt dated 17th September, 2020. Certificate of income issued by a Chartered Accountant is on record. Although income is below tax limits they seem to own certain property and are in the business of taxi rentals and have five vehicles registered valued at about Rs. 10 lakhs. They own a 1 BHK house and shop on which business is being carried on as ticketing agents. Prospective adoptive mother has declared that she will not be attending her place of work for 9 months.

6. Home study report issued by Caritas-Goa has found that they are a caring couple and able to look after the child and are emotionally and financially stable with a positive outlook. Home Study report is positive. Nothing objectionable has been found by the social worker. Directorate Government of Goa, Protection Officer, DCPU, ICPS along with Social workers had visited the prospective adoptive parents. Recommendations reveal that they are physically and emotionally fit to

care for the child. They are financially stable and that income is largely petty cash. There is no fixed income. There is income flow which was found sufficient. Their home and shop premises have been also surveyed.

7. In view of the above the petition is liable to be allowed I therefore pass the following order :

- (i) Petition is allowed in terms of prayer clause (a) to (d) both inclusive.
- (ii) Municipal Corporation shall issue the birth certificate at their earliest, within 15 days of the application.
- (iii) The child shall not be offered for further adoption.
- (iv) Judge's order is signed separately. Undertakings are accepted.
- (v) This order shall be digitally signed by the Personal Assistant of this Court.
- (vi) Petition is disposed in the above terms.

(A. K. MENON, J.)

Rajeshwari
R. Pillai

Digitally signed
by Rajeshwari
R. Pillai
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2020.12.23
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