

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

FOREIGN ADOPTION PETITION NO. 14 OF 2020

Bal Asha Trust ... Petitioner

vs.

Anntoine Zammit and ... Proposed Adopters
Mandy Zammit Darmanin

Mr. Rakesh Kapoor for the Petitioner.

Mr. Arun Kesarkar, 2nd Assistant Master.

CORAM : A. K. MENON, J.

DATED : 22nd DECEMBER, 2020

P.C. .

1. The petition seeks an order permitting adoption of minor male child born on 26th February 2019 in accordance with section 59(7) 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 prospective adoptive parents are residents of Malta. The child was admitted to Bal Asha Trust. The child was born to an unwed minor mother and sheltered at the Rescue Foundation, Boisar. Subsequently

the Child Welfare Committee, Palghar has entrusted the child to the safe custody of Bal Asha Trust, Mumbai. The minor's biological mother and her parents were present have executed the deed of surrender of the child. The child has been declared free for adoption on 16th September, 2019.

3. The prospective adoptive parents have been married for nine years and have no biological children. They have been found to be medically and physically fit. The prospective adoptive father is employed as IT Technician since 2006. The prospective adoptive mother is also self employed and works along with her husband. The Central Authority of Malta has approved the adoption. The prospective adoptive parents have been found to be suitable for adopting the child. Appogg has conducted an Adoption Home Study report dated 24th July, 2018. The prospective adoptive parents have been provided with copy of the report as also the medical history of the child. They have since reiterated their resolve to adopt the child.

4. Psychological report of the prospective adoptive parents is on record. Same is found satisfactory and supportive of adoption. They have found to be mature, emotionally stable and have the ability to be good adoptive parents. There are undertakings from relatives who have unconditionally undertaken to take responsibility for the child in the

event of any unforeseen circumstances preventing the prospective adoptive parents from looking after the child.

5. Child study report dated 29th June, 2020 and medical report are both satisfactory. The prospective adoptive parents have perused the report and have confirmed their willingness to adopt. Minor medical issues have been disclosed to the prospective adoptive parents who have confirmed that they propose to go ahead with the adoption. They have filed appropriate undertakings.

6. Mr. Kapoor has today furnished copy of the medical fitness certificate dated 21st December, 2020 issued by a physician affirming that both prospective adoptive parents are medically fit to adopt children. They both are said to be in good health.

7. Having considered the above I am of the view that the petition is liable to be allowed and pass the following order:

- (i) Petition is allowed in terms of prayer clause (a) to (c) both inclusive.
- (ii) The child shall not be offered for further adoption.
- (iii) Judge's order is signed separately. Undertakings are accepted.
- (iv) Petition disposed in the above terms.

Rajeshwari
R. Pillai

Digitally signed
by Rajeshwari R.
Pillai
Date: 2020.12.23
16:36:23 +0530

(A. K. MENON, J.)

3/3