

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

FOREIGN ADOPTION PETITION NO. 15 OF 2020

Bal Asha Trust

... Petitioner

vs.

Alexander Bryan Limbaugh

... Proposed Adopters

And Geneva Ruth Limbaugh

Mr. Rakesh Kapoor for the Petitioner.

Mr. Arun Kesarkar, 2nd Assistant Master.

CORAM : A. K. MENON, J.

DATED : 22nd DECEMBER, 2020

P.C. :

1. This petition is presented by Bal Asha Trust and the proposed adoptive parents. 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 minor male child was born on 28th April, 2012. The prospective adoptive parents are American nationals, residents of Alabama. They have been married for 11 years and have no biological

children. They have however adopted one minor child from Kazakhstan but are proposing to adopt the minor who is proposed to be re-named.

3. The proposed adoptive father is working as a Grocery Replenishment Specialist with Publix Super Market. The prospective adoptive mother is a Store Manager in that super market. They have expressed their willingness to adopt the child.

4. The child was declared free for adoption on or about March, 2019. The child was left at the shelter home by a man claiming to be his father. The mother was then not traceable. After age verification the child was admitted to Asha Sadan Trust. Child Welfare Committee has directed enquires to be made and has directed a search for the biological parents between January 2015 and January, 2019 and NGO Prerna has filed report that biological parents have not been found.

5. On 20th November, 2014 Prerana an NGO submitted a report that the biological mother had been traced but she did not co-operate or appear before the Child Welfare Committee. The Nagpada Police likewise filed a report that the mother was unwilling to come to the Child Welfare Committee. Later the biological mother sought restoration of the child but when she was asked to appear before the

Child Welfare Committee along with a social worker she failed to appear before the Child Welfare Committee. Persistent efforts thereafter to find the biological mother was of no avail. The photograph of the child was published in Samna, Tarun Bharat, Inquilab and Navshakti in Mumbai between 12th May, 2018 and 6th July, 2018. His photograph was also screened on Sahyadri Doordarshan channel but none have come forward to claim the child. It is in these circumstances that the child has been declared free for adoption and admitted to the institution.

6. The prospective adoptive parents have expressed their willingness to adopt the minor. Their income documents and social standing have been found to be acceptable. The medical reports of the child has been perused by them and they have approved them. Home study report has also been brought to their attention and they are willing to proceed with the adoption. Their financial background, home neighbourhood and community, cultural sanctity and commitment to the adoptive child are on record. They have no known criminal antecedents. They have apparently been screened in every State and Country they have been lived in and no negative domestic or international report were found. Their emotional and physical health status is found to be satisfactory. Motivation for adoption is on record.

7. Child study report is on record and has been accepted by the prospective adoptive parents as of December, 2019. Medical examination report is also been seen by the prospective adoptive parents as of December, 2019. Medical condition report has been record therein has been accepted and the prospective adoptive parents have undertaken to accept the child in adoption. After having gone through the child study report and medical reports they have expressed willingness to look after the child and bring up the child as their own. Letter of recommendation issued by Psychologist of Alabama is on record. The report recommends adoption.

8. United States Central Authority for adoption have found prospective adoptive parents suitable to adopt the minor. They have no history of criminal activities. Undertaking/letters of the parents of the prospective adoptive father dated 12th December, 2019 is on record. They have undertaken to look after the minor in the event of some unforeseen event preventing the prospective adoptive parents from caring for their minor.

9. Mr. Kapoor has today furnished copies of two medical certificates dated 21st December, 2020 issued by Tolbert Medicine the physician confirming that the prospective adoptive parents are physically and

medically fit to adopt. The certificates are taken on record and marked “X” and “X-1” for identification.

10. 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 (e) both inclusive.
- (ii) The child shall not be offered for further adoption.
- (iii) Judge’s order is signed separately. Undertakings are accepted.
- (iv) Petition is disposed in the above terms.

(A. K. MENON, J.)

Rajeshwari
R. Pillai

Digitally signed
by Rajeshwari
R. Pillai
Date:
2020.12.23
16:31:50 +0530