

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

FOREIGN ADOPTION PETITION NO. 45 OF 2019

Bal Asha Trush	Petitioner
V/s.	
Fabio Maria Parodi & Elena Nerozzi	Proposed Adopters

Mr. Rakesh K.L.Kapoor, Advocate for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer.

CORAM : G.S. KULKARNI, J.
DATE : 10 JANUARY 2020

P. C.

This is a foreign adoption petition wherein the petitioner, Bal Asha Trust, Bal Asha Dham, Anand Niketan, Dr. E. Moses Road, Mahalaxmi, Mumbai-400011, a recognized adoption agency alongwith the co-petitioners Mr. Fabio Maria Parodi and his wife Mrs. Elena Nerozzi, both of whom are Italian nationals having their address at Corso Roma 9-15121 Alessandria (AL), Italy, are before the court praying that male minor "Yuvraj" born on 15 July 2012 be granted in adoption to the proposed adopters.

2. Minor Yuvraj was admitted in Additional Observation Home, Mankhurd on 26 July 2017 and thereafter on the same day as per the Safe Custody Memo issued by Child Welfare Committee, Mumbai City-

I, (for short 'CWC) as per the provisions of Section 36(1) of the Juvenile Justice Act 2015 was transferred to the petitioner.

3. Thereafter, on an inquiry as undertaken as per Section 38 of the Juvenile Justice Act by an order dated 10 April 2019, the CWC declared minor Yuvraj legally free for adoption. A certificate to that effect is placed on record. The proposal for adoption in question by the adoptive parents was also considered by the Central Adoption Resource Authority (CARA), New Delhi by issuing a No Objection Certificate dated 13 September 2019 to this adoption as per Adoption Regulation 2017 and Article 17 (c) of the Hague Convention on the Protection of Children and cooperation in respect of Inter-Country Adoption 1993.

4. Insofar as the adoptive parents are concerned, they are Italian nationals residing at address noted above. They have been married for past 16 years (Date of Marriage 18 May 2003) with no biological children. The adoptive parents have however, already adopted two sons aged 15 years and 11 years from Italy and China respectively. The citizenship certificates of the adoptive parents, consent letters and health reports are placed on record, also a family photograph and passport copies of the adoptive parents are also placed on record.

5. Insofar as the health of the adoptive parents is concerned, a report dated 10 September 2019 records that both the adoptive parents enjoy good physical and mental health and are not affected by any psycho-physical pathology and as a result both of them are healthy with a strong constitution

6. As regards the adoptive father, he is self employed and is a partner of a limited liability company "A.F.G. Societa' Cooperativa A responsabilita' Limitata".located at Aleessandria, Corso Roma 9 since 9 March 2004. His income for the year 2018 is EUR 29,228,00 which is equivalent to Rs. 23,38,240/-. His income declaration and tax returns for the financial 2018-2019 are placed on record. The adoptive mother is working as Head of Physiotherapy Service as a freelance and her gross annual income for the year 2018 is EUR 19,562.00 which is equivalent to Rs. 15,64,960/-. Her income declaration and Tax Returns for the financial year 2018-19 are placed on record. There is also a financial and property declaration of the adoptive parents and a certificate of residence placed on record.

7. Insofar as the medical examination report of minor Yuvraj is concerned, it is dated 22 November 2018, which records that the child is normal in development for his age. He has not suffered from any major illness needing hospitalization and is disease free and healthy.

The adoptive parents have also countersigned this report. There is also a report of Psychological testing dated 12 February 2019. This report is also countersigned by adoptive parents. The HIV report of the minor Yuvraj is dated 28 September 2017 which certifies the case as non-reactive.

8. There is home study report dated 13 September 2016 of the adoptive parents conducted by the authorities of CIFA NGO for Children, Turin, Italy, which interalia contains details of the family background of adoptive parents, their financial situation, description of the house and neighbourhood, current marital relationship of the adoptive parents and attitude of grand parents and other relatives significant for adoption in question, possible rehabilitation plans for the child in case of any eventuality of the adoptive parents, police report, health status, value system, motivation for adoption, names and addresses of the references including their contact details and overall analysis and evaluation. There is also an additional psychological report of adoptive parents of Dr. Laura Piacenti, CIFA Psychologist confirming that couple has excellent resources and are suited to adopt a child in India.

9. There is Adoption Guarantee letter dated 25 May 2016 issued by Commission for Inter-Country Adoption on behalf of the

Government of Italy. There is an approval dated 2 March 2016 from Juvenile Court of Piedmont and Aosta Valley and an Article 17 letter dated 9 October 2019 from the Presidency of the council of Ministers is placed on record.

10. Mr. O. Hareenran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, has placed on record a representation (marked 'X' for identification), setting out all the details in regard to the proposed adopters. This representation does not indicate anything adverse, for this court, not to permit the adoption in question.

11. There is a declaration of commitment/undertaking of adoptive parents dated 25 May 2016 allowing the competent authorities, Italian and Indian to make home visits, if necessary, post adoption follow-up. There is also an undertaking dated 23 May 2019 of the Authorised Foreign Adoption Agency "CIFA Onlus-International Centre for Children and Family to provide follow-up report of the child. Further, an undertaking dated 17 December 2019 is placed on record by the learned counsel for the petitioners (marked 'X-1' for identification) of "Centro Internazionale Per L'Infanzia E La Famiglia", to undertake necessary action in case of disruption of adoptive family. There is a general power of attorney duly signed by the adoptive

parents in favour of the petitioner institution and seek the reliefs as prayed for.

12. A child care arrangement statement from the adoptive parents is also placed on record. Photograph of adoptive parents and their adoptive children is placed on record. Also a photograph of minor Yuvraj is placed on record.

13. Having heard the learned Counsel for the petitioner and having perused the record as noted above, the permission as granted by CARA as also having perused the report of Mr. O. Hareendran, Scrutiny Officer from the Institute of Child and Social Welfare dated 5 December 2019, in my opinion the adoptive parents appear to be suitably on all the counts as noted above to adopt the minor. Hence, considering the paramount interest and welfare of the minor male child Yuvraj and the intention, desire and spirit of the adoptive parents, to have in adoption a minor child like Yuvraj from India, the petition is required to be allowed. It would be required to be allowed accepting the undertakings as made by the adoptive parents as placed on record as also the undertakings which are furnished by the Authorised Foreign Adoption Agency "CIFA NGO for Children", Turin, Italy. The agency shall for a period of three years send half yearly reports in regard child 'Yuvraj' to CARA.

14. In the circumstances, I do not find any impediment in granting the reliefs as prayed for. Hence, the following order:-

ORDER

1. The Foreign Adoption Petition is allowed in terms of prayer clauses(a),(b), (c), (d) and (e) which reads thus:-

(a) For the Adoption of the Proposed male minor Yuvraj Giovanni Parodi born on the 15th July, 2012 by the proposed Adopters under Section 59 (7) of the Juvenile Justice Act, 2015.

(b) For declaring the proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor child Yuvraj Giovanni Parodi now in the care and custody of Bal Asha Trush, Bal Asha Dham, Anand Niketan, Dr. E. Moses Road, Mahalaxmi, Mumbai-400 011.

(c) That the proposed adopters be allowed to change the name of the minor Yuvraj to Yuvraj Giovanni Parodi.

(d) Leave/Permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Yuvraj Giovanni Parodi.

(e) That the proposed Adopters may be granted leave to remove the said minor Yuvraj Giovanni Parodi, from the

jurisdiction of this Hon'ble Court and to take the said minor to Italy or wherever they may reside in future.

2. The Judge's order is separately signed.
3. The adoptive parents shall also through concerned Italian Authorities forward to the petitioner the half yearly progress and development reports of the minor for a period of three years from today, to be placed for consideration of the Central Adoption Resource Authority (CARA), New Delhi.
4. The foreign adoption petition is disposed of in the above terms.
5. Parties be furnished authenticated copy of this order.

[G.S. KULKARNI, J.]