

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

INDIAN ADOPTION PETITION NO. 73 OF 2019
with
JUDGE'S order no.227 of 2019

St.Catherine's Home	...Petitioner/Applicant
And	
1. Shanu Dina Gaude	
2. Sakshi Shanu Gaude	...Prospective Adoptive

Mr.Rakesh Kapoor, Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer, ICSW present.

CORAM : G.S. KULKARNI, J.

DATE : 3 January 2020

P. C.

1. This is an Indian Adoption Petition wherein the petitioner- St.Catherine's Home, Mumbai, a recognized specialised adoption agency as described in paragraph one of the petition alongwith Shri.Shanu Dina Gaude and his wife Mrs.Sakshi Shanu Gaude, (for short 'Adoptive Parents') both residents of House No.38, Mangueshi, Near Ganesh Temple, Mardol Priol Ponda, Goa, are before the Court praying that male minor **Zain** born on 25 May 2019 be given in adoption to the adoptive parents.

2. On 6 June 2019 minor Zain was surrendered by the biological mother before the Child Welfare Committee II, Mumbai Suburban District and was in turn given to the petitioner-institution on the same date as per the safe custody order passed by the Child Welfare Committee under Section 36 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Juvenile Justice Act'), read with Rules 18 and 19 of the Model Juvenile Justice Rules, 2016. The Child Welfare Committee after making due inquiry as per the requirement of Section 38 of the Juvenile Justice Act, declared minor Zain legally free for adoption, as on 13 September 2019.

3. As regards the prospective adoptive parents, they are Indian nationals and residents of Goa, aged 48 and 37 years respectively. They are married since past nine years (Date of Marriage: 20 March 2010) with no biological children.

4. There is motivation letter of the adoptive parents dated 7 October 2019, recording the reasons and desire of the adoptive parents to have a child in adoption. The Adoption Committee of the petitioner has also taken a decision as contained in the minutes of the adoption committee that the adoptive parents are suitable to adopt minor Zain. An affidavit dated 13 November 2019 of the Chief

Functionary of the Specialized Adoption Agency in support of the petition is also placed on record.

5. In so far as the adoptive father is concerned, he is working as helper with Siddharth Chemicals, Kundaim-Goa, since 1990. His monthly salary (gross salary of September,2019) is Rs.18,500/-. The prospective mother is a home maker and would have sufficient time to devote herself to the minor child. Medical reports of the adoptive parents dated 18 October 2019 are placed on record which state that the adoptive parents are physically and medically fit to adopt a child. Their HIV I & II and Hepatitis B test report are also certified as negative. The other details of the adoptive parents namely Pan Card, Aadhaar Card and other supportive financial documents are placed on record. Today Advocate Mr.Kapoor also placed on record property tax receipt as also the LIC Policy which was taken out by the adoptive father as also the bank deposit receipt with UCO Bank of Rs.74,515/- and also a copy of the passbook of State Bank of India Saving account of the adoptive father, supporting the credentials of the adoptive parents.

6. There is a home study report Part I (Self Assessment) and Part II (Assessment report of the Social worker of Matruchhaya, Ponda-Goa) as placed on record. The Home Study report II of the adoptive parents

is conducted by Matruchhaya, Dhavali, Kavale, Ponda-Goa, as signed by Vijeta V.Naik, Professional Social Worker & Medical Social Worker, Adpai, Ponda-Goa, which records that the prospective adoptive parents have a positive approach and are recommended to adopt the child. It is also stated that there is no reason to reject the adoption by the adoptive parents.

7. There is child care plan which is placed on record at page 43 of the petition. There is a child security undertaking dated 18 October 2019 by the brother and sister-in-law of the prospective adoptive mother residing at Ponda-Goa, to look after, maintain and educate the minor in case of any unfortunate mishap to the adoptive parents.

8. In so far as the minor Zain is concerned, there is medical examination report dated 20 September 2012 which records that minor Zain is an active child. The adoptive parents have examined the report and have countersigned the medical examination report of minor Zain. HIV test report of the minor dated 7 June 2019 also certifies the case to be Negative.

9. The photographs of the adoptive parents as also minor Zain are placed on record.

10. There is joint consent and willingness by the prospective adoptive parents and they are willing to be appointed or declared as adoptive parents of minor Zain. There is a Pre-adoption foster care undertaking dated 18 October 2019, in pursuance thereto since last two months minor child Zain is in foster care of the adoptive parents.

11. There is also an undertaking dated 3 October 2019 from the authorities of Matruchhaya, Ponda-Goa, for furnishing post adoption follow-up reports.

12. The adoptive parents intend to change the name of minor Zain to be renamed as **Prathamesh Shanu Gaude**. The recognition of the petitioner-institution is valid upto 24 April 2020.

13. There is a representation of Mr. O. Hareenran, Scrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, (marked '**X**' for identification) dated 23 December 2019, setting out all the details in regard to the proposed adopters. The representation does not indicate anything adverse, for this court, not to permit the adoption in question. The copies of the financial documents of the adoptive parents, submitted by Advocate Mr.Kapoor are taken on record and marked "**X-1**" for identification.

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

ORDER

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

(a) That the Prospective Adoptive Parents be given the said child in adoption be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor **PRATHAMESH SHANU GAUDE**;

(b) That the Prospective Adoptive Parents may be granted leave to remove the said minor from the Jurisdiction of this Hon'ble Court and to take the said minor out of the Jurisdiction of this Hon'ble Court whenever required;

(c) That the concerned Municipal Authority/ Birth Certificate Issuing Authority may be directed to issue Birth Certificate in the name of the said minor **PRATHAMESH SHANU GAUDE** born on 25.05.2019 and stating thereon that the Prospective adoptive Parents as the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from **ZAIN** to **PRATHAMESH SHANU GAUDE** born on 25.05.2019.

2. The Judge's order is separately signed.
3. The adoptive parents shall invest an amount of Rs. 1,00,000/- (Rs. One Lakh Only) in the name of the minor PRATHAMESH SHANU GAUDE by way of life insurance policy having single premium, which would have maturity on the minor attaining majority.
4. The life insurance policy be placed on record within four months from today. Judge's order be accordingly read.
5. The prospective parents are directed not to give the minor PRATHAMESH SHANU GAUDE in further adoption to any other person without the leave of the Court.
6. The Indian adoption petition is disposed of in the above terms.

[G.S. KULKARNI, J.]