

Tauseef

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

INDIAN ADOPTION PETITION NO.76 OF 2019

SWTI, Bal Vikas Shishu Bhavan	...Petitioner
V/S.	
Sachin Vinod Trivedi & Anr.	...Respondents

Mrs. Lalita Jaya Raj, Advocate for Petitioner.
Mr. O. Hareendran, Scrutiny Officer, ICSW present.

CORAM : G.S. KULKARNI, J.
DATED : 03rd JANUARY 2020.

P.C.:

1. This is an Indian Adoption Petition, whereby SWTI, Bal Vikas Shishu Bhavan, Malad (East), Mumbai, a recognized specialized Adoption Agency alongwith Sachin Vinod Trivedi (for short “the Adoptive Parents”) and his wife Manisha Sachin Trivedi, who are residents of Thane are present before the Court praying that minor Vivek @ Avyukt Sachin Trivedi born on 11 May 2019 be given in adoption to the proposed adopters.

2. The biological mother surrendered minor Vivek @ Avyukt Sachin Trivedi before the Child Welfare Committee on 16 May 2019. An Order came to be passed by the Child Welfare Committee granting safe custody of the child with the petitioner institution. Also an Order dated

16 May 2019 came to be passed putting the child in the custody of the petitioner institution as per the provisions of Section 36 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short “**Juvenile Justice Act**”).

3. Thereafter Child Welfare Committee undertook an enquiry as per requirement of Section 38 of the Juvenile Justice Act and by an order dated 19 July 2019 declared the minor legally free for adoption. The certificate to the Respondent is also came to be issued.

4. Insofar as the adoptive parents are concerned, they are Indian Nationals residing at Thane. They are married for past 13 years (date of marriage 10 April 2006) with no biological children.

5. There is a motivation letter of the proposed adoptive parents placed on record declaring that they are a good family, financially stable and having a successful career plan for their future. They intended to adopt a child, raise the child with good social and human values and make the child a responsible citizen, fulfilling their duties towards the nation and the society. They also record that the child will bring them happiness and peace and new meaning to their lives.

6. The decision of adoptive committee dated 26 August 2019 is signed by the Managing Trustee and social worker of the petitioner institution, D.C.P.O Government Representative and the Doctor which records that in view of a hip joint replacement surgery the adoptive father should adopt an older child. However, there is a medical report of the adoptive father dated 10 August 2019 declaring that the adoptive father is physically and medically fit to take the child in adoption. There is a medical certificate of Dr. Milind Patil dated 03 October 2019 certifying that he can perform his daily routine activities, he can lift weight as a normal person and carry out the normal activities required for a baby as also he can lift the baby. It is certified that he is fit to adopt a child between 0 to 2 years of age from the Orthopedic point of view. There is a medical report of the adoptive mother dated 10 August 2019, which records that she is not under any medication and that she is physically and mentally stable. There is a HIV 1 & 2 HBsAg test reports of the adoptive parents certifying the negative.

7. Insofar as the adoptive father is concerned, he is working as the Senior Talent Advisor, Enigma Human Capital Services Pvt. Ltd., Thane, since 01 February 2013 and his monthly gross salary is about Rs.30,000/- as in September 2013 his appointment order and pay slips are placed on record. The Adoptive Mother is also working as a Customer Care

Executive with Metropol Multispeciality Hospital, Thane since July 2018 and her monthly salary is Rs.15,800/-, her appointment order and salary slips are placed on record. Also the income tax returns of the Adoptive Parents of the year 2017-2018, 2018-2019, 2019-2020 are on record. There is also investment declaration letter, bank reference, copy of Pan Card, Adhar Card are on record. The Adoptive Parents are presently staying in license premises in Thane.

8. The Child Care Management Plan letters are also on record. There is a home study report Part-I (self-assessment) dated 01 August 2015 by the proposed adopters. The home study report part II is assessment report of the Social Worker of the Vatsalya Trust, Mumbai, on the basis of a home visit undertaken on 17 July 2017 and 07 August 2019 which records that the prospective adoptive parents are balanced individuals to take care of the child, who have good capacity to bring up a child and handle the issues related to cope with the stress and utilize support system. It records that although the adoptive father was operated on right hip joint for femoral head replacement on 01 April 2016, he does not have any functional disability at present. The social worker is of the opinion that the couple deserves to have a child by way of adoption and she has recommended adoption of a male child up to 2 years as per their desire.

9. There is a child security undertaking dated 19 October 2019 which is by the cousin brother and sister-in-law of the adoptive father who is resident of Bhayendar, District Thane to look after the minor in case of any unfortunate mishap to the Adoptive Parents.

10. There is a medical examination report of the minor dated 20 July 2019 which records that the “Overall observations about the child is healthy infant”. The proposed adopters have examine the report and have also counter signed the said report. The HIV test report of the minor dated 13 July 2019 certifies the case as negative.

11. The photographs of the adoptive parents and also of the minor are placed on record.

12. A joint consent and willingness of the prospective adoptive parents is on record which states that they are willing to be appointed or declared as adoptive parents of the minor.

13. There is a foster care undertaking date 19 October 2019. The minor is already in the foster care of the adoptive parents since 06 November 2019. There is an Affidavit of Specialized Adoptive Agency in support of the prayers as made in the Petition. The adoptive parents desire to change the name as Vivek @ Avyukt Sachin Trivedi.

14. There is an undertaking dated 18 November 2019 of Vatsalya Trust Mumbai for furnishing post adoption follow up reports. It is stated that the recognition of the Petitioner - Institution is valid upto 31 March 2020.

15. At today's hearing both the adoptive parents alongwith child have remained present, I had a meaningful interaction with the adoptive father and the mother, both of them are happy on their decision to take the minor in adoption. They state that the child being in their foster care, they are very happy being parents of the minor. To me they appear to be a happy family with the adoptive child. I am also satisfied with the physical condition of the father, he appears to be quite normal as he says that he has now completely recovered. The adoptive mother is a normal person and is capable of taking care of the minor as her own child. I do not find anything adverse not to grant the minor in adoption to the adoptive parents.

16. There is a representation of Mr. O. Hareenran, Secrutiny Officer of the Indian Counsel of Social Welfare, Central Office, Mumbai, (marked 'X' for identification) dated 01 January 2020, 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.

17. Considering the above facts and 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 reads 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 **Vivek @ Avyukt Sachin Trivedi**.
- (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 **Vivek @ Avyukt Sachin Trivedi** born on 11.05.2019 and stating thereon that the prospective adoptive parents as the parents as the parents of the said minor.
- (d) That the Co-Petitioners be allowed to change the name of the minor from **Vivek** to **Avyukt Sachin Trivedi** born on 11.05.2019.

2. 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 **Vivek @ Avyukt Sachin Trivedi** by way of life insurance policy having single premium, which would have

maturity on the minor attending majority.

4. The life insurance policy be placed on record within four months from today. Judges order be accordingly read.

5. The prospective parents are directed not to give the minor Vivek 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.)