

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

**FOREIGN ADOPTION PETITION NO. 1 OF 2021
WITH
JUDGE'S ORDER NO. 4 OF 2021
IN
FOREIGN ADOPTION PETITION NO. 1 OF 2021**

Rakhi @ Rakhi Garcia Garcia Minor

M.S.W.C. Adoption at
M.S.W.C. Asha Sadan Balgruh
AND

.. Petitioner

1. Jose Manuel Garcia Anton
2. Maria Victoria Garcia Barrio

.. Proposed Adoptive Parents

Mrs. Dipal Sanjanwala Mehta for petitioner.
Mr.O. Hareendran, Representative of ICSW present.
Mr. Arun Kesarkar, 2nd Asstt. Master present.

**CORAM : N.J. JAMADAR, J.
DATE : 27th JANUARY 2021
(IN CHAMBERS)**

PC.

1. The petition is for an inter-country adoption of a minor female child, under section 59(7) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as 'the Act, 2015'). The petition is supported by an affidavit of Mrs.Jaishri Sreedhar, Convener/Authorized Signatory of the petitioner.
2. Perused the report of Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare.

3. The child was born on 19th September 2018. She is a surrendered child. The child came to be entrusted to the custody of the petitioner vide order dated 26th September 2018 passed by the Child Welfare Committee, Mumbai City-I. After an enquiry envisaged under section 38 of the Act, 2015, the Child Welfare Committee has declared the child legally free for adoption by its order dated 17th December 2018.

4. The medical examination reports of the child reveal that the child is healthy. It is further observed that the child is suffering from Global Hypotonia and hence has delayed physical milestones. However, with regular physiotherapy, she could progress well. The prospective adoptive parents have perused and understood the contents of the medical reports and are willing to accept the child as their adoptive child in the condition in which the child is found. They have countersigned the medical reports.

5. The Central Adoption Resources Authority (CARA) has given no objection to the prospective adoptive parents Mr. Jose Manuel Garcia Anton and Mrs. Maria Victoria Garcia Barrio under Adoption Regulations Act, 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption, 1993 on 4th December 2020. The Cantabrian Institute of Social Services, Government of Cantabria has issued a Suitability Certificate for inter-country adoption.

6. The medical certificates of the adoptive parents reveal that none of them suffer from any contagious or chronic or terminable disease nor from HIV or Hepatitis A, B or C, and both are medically fit to adopt a child.
7. The Home Study report of suitability for adoption concludes that the personal and family situation, couple's relationship, social and family support, working situation, availability of time, situation of health, housing and environment, economic situation as well as skills and motivations are appropriate to face an adoption. The psychological report also appraises the adoptive parents as a suitable family for adoption of a healthy child.
8. The proposed adoptive father Mr. Jose is born on 24th February 1973. The proposed adoptive mother is born on 31st July 1975. They were married on 1st August 2015 with no biological child. Mr. Jose is working as Jumbo Operator with Orovalle Minerals S.L. and his gross annual income is 31,262.43 Euros. Mrs. Maria works as an Administration Co-ordinator with Caritas Diocesana De Santander, Spain and her gross annual income is 32,484.42 Euros. The employment and income certificates of the prospective adoptive father and mother are appended to the petition.
9. The learned counsel for the petitioner has tendered tax certificates of the prospective adoptive parents for the financial year 2019. The income tax certificates are taken on record. The individual taxation and income of Mr. Jose is shown as 27,280.19 Euros and that of Mrs. Maria is 28,675.86

Euros. The declaration of financial status also reveals that the prospective adoptive parents have immovable properties valued at 2,50,000 Euros, two cars and a balance of 47,000 Euros in the savings bank account.

10. The learned counsel for the petitioners has today tendered recent certified to be the true photographs of the house of the prospective adoptive parents. The same are taken on record. The prospective adoptive parents have also submitted a satisfactory child care arrangement for the child. It records that Mrs. Maria will have four months of paid absence from her job as per Spanish Law. Mr. Jose will also have 12 weeks of paid absence from his job. It seems that the close relatives and parents of the prospective adoptive parents have encouraged and supported their decision to adopt a child.

11. Mr. Jose Maria Garcia Barrio and Mrs. Rebeca Alacano Perez, brother and sister-in-law of the prospective adoptive mother have submitted a child security undertaking whereby they have undertaken to look-after, maintain and educate the child to the best of their ability in an unforeseen eventuality.

12. The Children Without Frontiers, the Adoption Agency, has furnished an undertaking to the effect that in the event of adjustment problem of the child with the adoptive family, the child shall be entitled to receive care, protection and rehabilitation through the child protection services of Spain

as per Hague Adoption Convention.

13. In the backdrop of the aforesaid material, certificates and undertakings, especially the favourable home study and psychological study reports and financial standing of the prospective adoptive parents, their situation in life and genuine desire of the prospective adoptive parents to adopt a child, I am persuaded to hold that the prospective adoptive parents are physically fit, financially sound, mentally alert and highly motivated to adopt the child and have the potential to provide a good upbringing to the child. I do not find any impediment in allowing the petition. Thus, the following order:

O R D E R

- (i) The petition is allowed in terms of prayer clauses (a) to (f).
- (ii) The child shall not be offered for further adoption.
- (iii) Judge's order is signed separately.
- (iv) Undertakings are accepted.

The petition stands disposed of in the aforesaid terms.

[N.J. JAMADAR, J.]

Shraddha
K.
Talekar

Digitally
signed by
Shraddha
K. Talekar
Date:
2021.02.01
11:09:26
+0530