

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 5 OF 2021
WITH
JUDGE'S ORDER NO. 26 OF 2021
IN
FOREIGN ADOPTION PETITION NO. 5 OF 2021**

M.S.W.C. Adoption Group at
M.S.W.C. Asha Sadan Balgruh
And

...Petitioner

1. Mr.Simone Zanetti

2. Mrs. Luisa Libera Muscu

.. Prospective Adoptive Parents

Ms.Dipal S. Mehta for petitioner.

Mr.O. Hareendran, Representative of ICSW present.

Mr. Arun Kesarkar, 2nd Asstt. Master present.

CORAM : N.J. JAMADAR, J.

**DATE : 10th FEBRUARY 2021
(IN CHAMBERS)**

PC.

1. The petition is for an inter-country adoption of a female minor 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 preferred by M.S.W.C. Adoption Group at M.S.W.C. Asha Sadan Balgruh, Mumbai, an authorised adoption agency. The petition is supported by the affidavit of Ms.Jayalakshmy K., Superintendent/Authorised 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 30th September 2017. She is a surrendered child. The child came to be entrusted to the custody of the petitioner by order passed by Child Welfare Committee, Mumbai City-I on 11th November 2017. After an enquiry envisaged under section 38 of the Act, 2015, the Child Welfare Committee has declared the child legally free for adoption by order dated 30th July 2018.

4. The Central Adoption Resources Authority (CARA) has given no objection to the adoption of the child by the prospective adoptive parents : Mr.Simone Zanetti ('Simone') and Mrs. Luisa Libera Muscu ('Luisa'), who are Italian Nationals, under the 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 5th January 2021. The Juvenile Court of Milano, vide decree dated 3rd December 2016 has declared Simone and Luisa suitable to adopt the child.

5. The child study and the medical examination reports of the child indicate that the child is developmentally normal. 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. They have countersigned the medical reports. The HIV test of the child is non-reactive.

6. The prospective adoptive parents have been certified to be medically fit and that their health does not disqualify them in parenting a child. The

marriage of the prospective adoptive parents was solemnized on 10th September 2005. They have no biological issue. However, they have an adoptive son Beta, born on 31st October 2012.

7. Simone has a Degree in Law. Luisa has a High School Diploma. Simone is employed as Commercial Manager with Cimolai S.P.A., Italy and has an annual income of 75.400,00 Euros. Luisa is employed as Administrative Officer with Sanitary System, Logo Lombardia Region and has annual income of 16.680,00 Euros.

8. Simone is suffering with the problem of infertility. The prime motivation for adoption appears to be the desire to complete the family. The adoption of a son in the year 2013 has encouraged them to adopt a second child in order to enlarge and complete their family.

9. The home study report evaluates the prospective adoptive parents favourably. It is reported that the prospective adoptive parents are suitable and ready for the second adoption. They appear to be receptive to suggestions and modulate their actions.

10. The psycho-social enquiry about the prospective adoptive parents found that the prospective adoptive parents are able to welcome another child and to introduce her in their family, respecting the peculiarity and the fatigues of the child Beta already in the family and where he is growing up in a good way.

11. The report submitted by A.I.P.A. reveals that the prospective adoptive parents have involved their respective families of origin in their second adoption project. They show good personal resources of relation which is favourable to the adoption of a second child.

12. The personal property statement and declaration indicates the gross income in the last three years (at page 177 of the petition), as under :

YEAR	HUSBAND	WIFE
2017	€ 60.236	€ 17.167
2018	€ 73.657	€ 16.404
2019	€ 72.031	€ 16.680

The accumulated savings in bank upto 31st July 2020 is 120.346,00 Euros.

13. The employment certificates of Simone and Mrs.Luisa are also placed on record. The attested copies of the tax returns lend support to the claim of the prospective adoptive parents regarding their income. The documents on record thus reveal that the prospective adoptive parents are well placed in life and are financially stable and secure.

14. The Government of Italy has furnished Adoption Guarantee Letter dated 7th October 2017 to the effect that the citizenship shall be conferred on the child and as a citizen of Italy, the child shall be eligible to receive all the benefits of a child born to Italian parents, including full time education,

social welfare and comprehensive medical benefits as provided by the laws of Italy. The Foreign Adoption Agency has also furnished an undertaking, dated 26th August 2020 to the effect that in case of any disruption of the adoptive family before legal adoption can be effected in the receiving country, they shall take care of the child and find a suitable alternate placement for the child.

15. Mrs. Elena Zanetti and Mr. Angelo Bosotti, sister and brother-in-law of Simone, the prospective adoptive father, have furnished an undertaking whereby they have undertaken to take care of the child, look after, maintain and educate the child in the event of an unforeseen eventuality.

16. In the backdrop of the aforesaid material, certificates and undertakings, especially favourably home study and psychological reports, social and financial standing of the prospective adoptive parents, their overall disposition, I am impelled to hold that the prospective adoptive parents are physically fit, financially sound, mentally alert and highly motivated to adopt the child. Conversely, I do not find any impediment in allowing the petition.

17. Hence, the petition deserves to be allowed. Thus, the following order:

ORDER

- (i) The petition is allowed in terms of prayer clauses (a) to (f).

Shraddha
K. Talekar

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Shraddha K. Talekar
Date: 2021.02.12
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(ii) The child shall not be offered for further adoption.

(iii) Undertakings are accepted.

(iv) Judge's order is signed separately.

The petition stands disposed of in the aforesaid terms.

[N.J. JAMADAR, J.]