

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

**INDIAN ADOPTION PETITION NO. 16 OF 2021
WITH
JUDGE'S ORDER NO. 27 OF 2021**

Bal Asha Trust, Mumbai

...Petitioner

and

Mr.Arvind Kundalik Dethe and

Mrs.Mitali Arvind Dethe

...Proposed Adoptive Parents

Mr.Rakesh Kapoor for Petitioner.

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare,
present.

**CORAM : S.C. GUPTE, J.
(IN CHAMBERS)**

DATE : 19 MARCH 2021

PC. :

Heard Mr.Rakesh Kapoor, learned Counsel for the Petitioner and Mr.O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (ICSW), in the Chambers. The adoptive parents are not present due to the present pandemic situation.

2 The petition proposes adoption of a male minor child by the name of Sajid born on 20 January 2015. Custody of the child was given to the Petitioner institution on the same day as the child was surrendered by his biological parent to the Child Welfare Committee, Mumbai City II on 18 April 2019. The admission order is placed on record. After making inquiries under Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the CWC, Mumbai City II declared the minor child legally free

for adoption. The certificate dated 6 November 2019 is placed on record.

3 The adoptive parents are Indian nationals residing at Indapur, Kalamb, District Pune. They are aged about 52 and 51 years, respectively, having been married for the past 19 years with no biological child. Motivation letter of the adoptive parents as also the decision of the Adoption Committee Meeting approving both parents as adoptive parents of the referred child is placed on record. An affidavit of the Chief Functionary of the Sepcialized Adoption Agency, i.e. the Petitioner herein, and the medical report of the prospective adoptive parents certifying them as free of any chronic contagious or fatal disease as well as PAN and Aadhar cards and supportive financial documents in respect of the prospective adoptive parents are placed on record.

4 The prospective adoptive father is working as an Assistant Teacher at a school in Indapur District, Pune, whereas the prospective adoptive mother is working as a Supervisor with another high school and junior college at Shindewadi, District Solapur. The child care plan declaration indicates that the prospective adoptive mother has been working twice a week due to current Covid-19 pandemic and in her absence, her husband and her niece, who is 18 years old, would take care of the minor child.

5 The home study report containing self assessment as well as assessment report of the social worker, Pandita Ramabai Mukti Mission, Pune has been placed on record. It considers various relevant aspects and after holding that the couple meets with all pre-requisites for adoption, has recommended placing of the child for adoption with prospective adoptive

parents. There is also a supporting Addendum Home study report conducted by one Samarpan Foundation, SPARCC, Pune, which holds the prospective adoptive parents mentally and physically fit to take care of the child and recommends the couple for adoption.

6 The son of the maternal sister of the prospective adoptive mother and his wife have furnished undertaking to look after the minor child in the event of any unforeseen mishap to the co-Petitioners.

7 The medical examination report of the minor child is placed on record. The report does not indicate any abnormality. The prospective adoptive parents have countersigned the medical examination report. In pursuance of the report submitted by Indian Council of Social Welfare, a report of psychological testing, as also language, speech and hearing report in respect of the minor child, are submitted by learned Counsel for the Petitioner. They are taken on record, marked "X" for identification. The child is, accordingly, demonstrated to be a normal and active child with a negative HIV report. So also, consent and willing of the adoptive parents, which is placed on record, indicates that such consent and willingness have been indicated having gone through the medical examination of the minor child. There is also an undertaking on their behalf to send a follow up report of Pandita Ramabai Mukti Mission, Pune.

8 Considering the material placed before the court, some of which has been referred to above, and various compliances noted as above, this court is of the view that the adoption petition deserves to be allowed. The report of Scrutiny Officer dated 6 March 2021 is taken on record as X-1 for identification.

9 The petition, accordingly, is allowed in terms of prayer clauses (a) to (d).

10 In accordance with the practice note of this court for Indian adoptions, the prospective adoptive parents have offered to make an investment in the name of a minor child in the sum of Rs.1.50 lakhs and submit a report of such investment.

11 A separate Judge's Order for appointing prospective parents as adoptive parents is signed by this court today.

(S.C. GUPTE, J.)

Sanskriti
A. Thakur

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