

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

**INDIAN ADOPTION PETITION NO. 26 OF 2021
WITH
JUDGE'S ORDER NO. 44 OF 2021
IN
INDIAN ADOPTION PETITION NO. 26 OF 2021**

M.S.W.C. Asha Balgruh,
Asha Sadan Marg, Mumbai .. Petitioner
And
1. Mr.Mukesh Sunderlal Jain
2. Mrs. Meena Mukesh Jain .. Prospective Adoptive Parents

Mrs. Varsha Bhogle Deshmukh for petitioner.
Mr.O. Hareendran, Representative of ICSW present.
Mr. Arun Kesarkar, 2nd Asstt. Master present.

**CORAM : N.J. JAMADAR, J.
DATE : 24th FEBRUARY 2021
(IN CHAMBERS)**

PC.

1. This petition under section 56 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as 'the Act, 2015') is preferred by M.S.W.C. Asha Balgruh, Mumbai, a specialized adoption agency. The petitioner seeks an order permitting adoption of a female child born on 4th September 2019, and entrusted to its custody by an order dated 9th September 2019 by the Child Welfare Committee, Mumbai City-II. The petition is supported by an affidavit of Ms.Jayalakshmy K., Superintendent/ Authorized Signatory of the petitioner.

2. Perused the report Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare.
3. The minor is a surrendered child. The Child Welfare Committee has declared the child legally free for adoption, post an enquiry envisaged under section 38 of the Act, 2015, by order dated 25th November 2020.
4. The Adoption Committee, in its meeting held on 31st December 2020, has approved the proposal of the prospective adoptive parents Mr.Mukesh Sunderlal Jain and Mrs. Meena Mukesh Jain to adopt the child. The Committee found that the prospective adoptive parents are suitable to adopt the child.
5. The child study and medical examination reports of the child reveal that the child is developmentally normal and healthy. The HIV test of the child is non-reactive. The prospective adoptive parents have perused and understood the contents of the medical examination reports of the child and have shown willingness to accept the child as their adoptive child.
6. The marriage of the prospective adoptive parents was solemnized on 29th January 2005. They have no biological issue. It appears that despite earnest efforts, they could not have a biological child. They were, thus, motivated to adopt the child and complete the family.
7. The home study appraises the prospective adoptive parents favourably. It is recorded, *inter-alia*, that the couple is healthy, stable and

financially secure. They are very loving and affectionate. They are fit to adopt the child. The decision of the prospective adoptive parents to adopt the child seems to be well received and approved by their family and friends. Testimonials are placed on record.

8. Mr.Mukesh Jain, the prospective adoptive father is working as a Deputy General Manager-JDE Development with IMI Norgren Herion Pvt. Ltd., Mumbai. The salary slip for the month of November-2020 indicates that the net earning of Mr.Jain was Rs.2,07,216/-. The income tax returns for the assessment years 2018-2019, 2019-2020, and 2020-2021 are placed on record. Mrs. Meena Jain, the prospective adoptive mother, is a homemaker. The medical reports of the prospective adoptive parents are placed on record. They have been certified to be physically and mentally fit to adopt the child.

9. Mr.Vishal Vaya and Mrs.Dimple S. Jain, brother-in-law and sister of the prospective adoptive father Mr.Mukesh Jain, have furnished an undertaking to look after, maintain and educate the child in an unforeseen eventuality.

10. In the backdrop of the aforesaid material, especially the home study report, the situation in life of the prospective adoptive parents, their social and financial standing, level of motivation and overall disposition, I am persuaded to hold that the prospective adoptive parents are physically fit,

mentally alert and highly motivated to adopt the child and have the potential to provide a good upbringing to the child. Thus, the petition deserves to be allowed.

11. Hence the following order :

O R D E R

(i) The petition is allowed in terms of prayer clauses

(a) to (e).

(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.

Shraddha
K.
Talekar

Digitally
signed by
Shraddha
K. Talekar

Date:
2021.02.26
18:38:27
+0530

[N.J. JAMADAR, J.]