

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

**INDIAN ADOPTION PETITION NO.35 OF 2021
WITH
JUDGE'S ORDER NO. 60 OF 2021**

Shraddhanand Mahilashram ...Petitioner

Versus

Bharatkumar Mohanlal Vyas & Dimple ... Proposed
Bharat Vyas Adoptive Parents

Mr. Rakesh Kapoor - Advocate for the Petitioner.

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

Mr. D. R. Talekar – Chamber Registrar, present.

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**CORAM : DAMA SESHADRI NAIDU, J.
DATE : 18th JUNE 2021.**

P.C. :

Heard Shri Rakesh Kapoor, the learned counsel for the Petitioner, and Shri O. Hareendran, the Scrutiny Officer, Indian Council of Social Welfare (ICWS), in the Court through a VC link.

2. The petition proposes adoption of a boy, Mihir, born on 25 December 2019. The child was surrendered by the unwed mother before the Shraddhanand Mahilashram, on 01 January 2020. The Committee inquired and passed

the 'legally free for adoption' order under Section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 on 13 March 2020. The order is placed on record.

3. The proposed adoptive parents are Indian nationals residing at Bhiwandi, District Thane. They are aged about 39 and 34 years, having been married for the past 17 years with no biological child. The proposed adopters' motivation letter has been placed on record. In that letter, they state that they both have always dreamt of being parents, but they remained childless. With the knowledge that adoption is a great option of becoming parents, they have decided to adopt a child. The Adoption Committee, in its meeting held online on 21 September 2020, granted principal approval for adoption, subject to the proposed adopters' furnishing the required documents. That Committee's order, too, has been placed on record.

4. The prospective adoptive father has been self-employed, owing Shivam Dress at Bhiwandi, for the last ten years with a monthly gross salary of Rs.3,71,303/-; the prospective adoptive mother is a homemaker. Financial documents, such as salary slips, copies of PAN card, AADHAR card, provident fund statement of the adoptive father have been placed on record together with proof of residence and other supportive documents.

5. Medical reports of the adoptive parents showing that they are in good health for adopting the child, along

with their negative HIV and other test reports, have also been placed on record.

6 A home study report of Part-I: Self assessment and assessment report in Part-II by the Janani Ashish Charitable Trust, Dombivali, District Thane, have also been placed on record. The said report has considered and found the proposed adoptive parents suitable for adopting a child.

7. Child security undertaking, furnished by the prospective adoptive mother's brother and sister-in-law, residing at Virar West, District Palghar, has been placed on record. They offer to look after the minor child if any mishap befalls the prospective adoptive parents.

8. The minor's medical examination report, indicating the child to be a normal and healthy one and countersigned by the prospective parents, has been placed on record. It is filed together with the prospective adoptive parents' declaration of consent and willingness. Health certificates, such as negative HIV report, of the minor have been placed on record.

9. Considering the material placed on record, some of which has been referred to above, and compliances noted as above, this Court is of the view that the adoption petition deserves to be allowed. In this regard, the report of the Scrutiny Officer, dated 07 June 2021, is taken on record, marked 'X' for identification.

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

11. In tune with this Court's practice note for Indian adoptions, the prospective adoptive parents have offered to invest in the child's name Rs. 1 lakh and submit a report of such investment.

12. A separate Judge's Order for appointing the prospective adopters as adoptive parents of minor Mihir is signed by this Court today.

[DAMA SESHADRI NAIDU, J.]