

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

INDIAN ADOPTION PETITION NO.40 OF 2021
WITH
JUDGE'S ORDER NO.75 OF 2021

M.S.W.C. Adoption Group at M.S.W.C. Asha Sadan Balgruh	...	Petitioner
Versus Milindkumar Babanrao Salve Kanya Kumari Gupta	...	Co-Petitioners/Proposed Adoptors

.....

Ms. Dipal Sanjanwala Mehta for the Petitioner.

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

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CORAM : S.C. GUPTA, J.
(IN CHAMBERS)

DATE : 30 APRIL 2021

P.C. :

1. Heard Ms. Mehta, learned Counsel for the Petitioner, and Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (ICWS), in the Chambers through a VC hearing. The adoptive parents are not present due to the current pandemic situation.

2 The petition proposes adoption of a male minor child by the name of Raghav, born on 26 March 2020. The child was surrendered by the biological mother before the Child Welfare Committee, Mumbai City-I on 2 July 2020. The ‘legally free for adoption’ order was passed by the Child Welfare Committee, Mumbai City-I after inquiry under Section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (“Act”) on 26 November 2020. The same is placed on record.

3 The proposed adoptive parents are Indian nationals residing at Hadapsar, Pune. They are aged about 42 and 44 years, respectively, having been married for the past 12 years with no biological child. The motivation letter of the proposed adopters has been placed on record, stating *inter alia* their inability to have a biological child due to medical reasons and hence, their decision to adopt the child. The decision of the Adoption Committee dated 11 February 2021 has also been placed on record *inter alia* confirming the suitability of the adoptive parents to adopt the minor child. An affidavit by the Chief Functionary of the Specialized Adoption Agency, that is, the Petitioner herein, has also been placed on record.

4 The prospective adoptive father has been working as Senior Specialist-Technology with Synechron Technologies Private Limited, Hinjewadi, Pune since last 14 years with a monthly gross salary of Rs.1.87 lacs, whilst the prospective adoptive mother is a homemaker.

Financial documents, such as salary slips, employment certificate and income tax returns, 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 HIV and other test reports, have also been placed on record.

6 A home study report showing self assessment as well as an assessment report of a social worker of Bharatiya Samaj Sava Kendra, Pune has also been placed on record. The report has considered and found them to be suitable for adopting a child.

7 Child security undertaking, furnished by the younger brother and sister-in-law of the prospective adoptive father, both residing at Pune, offering to look after the minor child in case of any mishap to the prospective adoptive parents, has been placed on record.

8 A medical examination report of the minor, indicating the child to be a normal and healthy infant, which has been countersigned by the prospective parents, has been placed on record, together with declaration of consent and willingness of the prospective adoptive parents. 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. The report of the Scrutiny Officer, dated 26 March 2021, is taken on record, marked 'X' for identification.

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

11 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 the minor child in the sum of Rs.2 lacs and submit a report of such investment.

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

(S.C. GUPTE, J.)