

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

FOREIGN ADOPTION PETITION NO. 13 OF 2021
WITH
JUDGE'S ORDER NO. 89 OF 2021**

Bal Asha Trust

...Petitioner

Versus

Paolo Palazzi and Loredana Parodi

...Proposed
Adoptive parents

.....

Mr. Rakesh Kapoor - Advocate for the Petitioner.

Mr. O. Hareendran Nambiar, 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 : 02nd JULY 2021.**

P.C. :

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

2. The foreign adoption petition proposes the adoption of a boy, Vijay Shankar @ Rashel Jahur, born on

23rd October 2011. Bandra Railway Police on 31.08.2018 found the boy abandoned; they handed over the child on the same day to New Observation Home, Mankhurd, Mumbai. After that, the child was presented before the Child Welfare Committee, Mumbai City II. Eventually, the boy was handed over to the Petitioner institution, Bal Asha Trust, Mumbai. Later, on 12th July 2019, the Child Welfare Committee inquired and passed the 'legally free for adoption' order under Section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016). The order is placed on record.

3. On 1st February 2021, the Central Adoption Resource Authority (CARA), New Delhi, issued a No Objection Certificate to the proposed adoption, as per the applicable Adoption Regulations and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption, 1993.

4. The proposed adoptive parents are Italian nationals residing at Carcare (SV), Italy. They are about 56 and 53 years old, having been married for the past five years with no biological child. The proposed adopters' motivation letter has been placed on record, indicating the rationale of their intention to adopt a minor child from India.

5. The prospective adoptive father works as an Assistant Teacher at Public School "Lele Luzzati", Millesimo, Italy, with a monthly gross salary of Euro 1,972.62. And the prospective adoptive mother is 'a Worker (part-time)' at Vivaldi and Cardino Spa, Italy, since 01st December 2017 with a monthly gross salary of Euro 451.08. Placed on record are the Financial documents, such as Income Tax returns, Bank statements, financial declaration, and Residence Certificate, Property Certification of the adoptive parents.

6. The child-care arrangement statement from the adoptive mother has also been placed on record.

7. Medical reports of the adoptive parents showing that they are in good health for adopting the child and their negative HIV and other test reports have also been placed on record.

8. Home study report dated 12th July 2019 by the authorities of "International Adoption", Italy, has been placed on record. The report indicates that the prospective adoptive parents have a strong motivation to have an international adoption. They appear to be a solid, harmonious, complementary couple, with no apparent discord between them. The proposed adoptive parents have all the necessary resources to welcome and emotively

sustain a minor who has special needs regarding health and adaptability to the new environs, for the child is less than 9 years and 364 days at the moment of placement. Along with the home study report, a Psychological Assessment report of the adoptive parents dated 12th July 2019 is placed on record. The Suitability Decree, dated 13th March 2019, of the Juvenile Court of Genevo and Adoption Guarantee Letter issued by the Commission for Intercountry Adoption on behalf of the Government of Italy, dated 29.08.2019, have also been placed on record.

9. Child security undertaking furnished by the prospective adoptive mother's brother and sister-in-law, residing in Italy, has been placed on record. They offer to look after the minor child if any mishap occurs to the prospective adoptive parents.

10. The undertaking of the Authorized Foreign Adoption Agency (AFFA), "International Adoption", Italy, to provide a follow-up report of the child and make alternative arrangements in case of disruption of the adoptive family has also been placed on record.

11. The Special Power of Attorney duly signed by the proposed adoptive parents favouring the Petitioner Institution has been placed on record.

12. Considering the material placed on record and compliances noted above, this Court reckons that the adoption petition deserves to be allowed. In this regard, the report of the Scrutiny Officer, dated 15.06.2021, is taken on record and marked-‘X’ for identification.

13. The petition is, accordingly, allowed in terms of prayer clauses (a) to (f):

“(a) For the Adoption of the proposed male minor Vijay Shankar Palazzi, born on 23/10/2011 by the Proposed Adopter under Section 59(7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopter as Adoptive Parent of the said minor Vijay Shankar Palazzi and shall have all parents rights, privileges and responsibilities over the said child, now in the care and custody of Bal Asha Trust, Bal Asha Dham, Anand Niketan, Dr. E. Moses Road, Mahalaxmi, Mumbai – 400 011.

(c) That the proposed adopter be allowed to change the name of the minor Vijay Shankar @ Rashel Jahur to Vijay Shankar Palazzi.

(d) Leave/permission be granted to apply the concerned Municipal Authorities to issue the Birth Certificate of the said minor Vijay Shankar Palazzi.

(e) That the Proposed Adopter may be granted leave to remove the said minor Vijay Shankar Palazzi from the jurisdiction of this

Hon'ble Court and to take the said minor to Italy or wherever they may reside in future.

(f) Pass such other or further orders as it may deem fit and proper on the facts and circumstances of the case.

14. Today, this Court has also signed a separate Judge's Order appointing the prospective adopters as adoptive parents of minor Vijay Shankar @ Rashel Jahur.

[DAMA SESHADRI NAIDU, J.]

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