

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

INDIAN ADOPTION PETITION NO. 51 OF 2021
WITH
JUDGE'S ORDER NO. 110 OF 2021**

Vatsalya Trust, Mumbai

...Petitioner

Versus

Mr. Hemantha Reddy D. &
Mrs. Parvathamma T.

...Proposed
Adoptive parents

.....

Ms. Sangeeta Nagpal - Advocate for the Petitioner.

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

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

.....

**CORAM : DAMA SESHADRI NAIDU, J.
DATE : 17th JULY 2021.**

P.C. :

Heard Ms. Sangeeta Nagpal, 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 petition proposes the adoption of a girl, Samita, born on 20th June 2019. The biological mother surrendered the child before the Child Welfare Committee

(I), Mumbai Suburban District, on 15th July 2019. And on the same day, the girl was handed over to the Petitioner institution, Vatsalya Trust, Mumbai. Later, on 16th October 2020, 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. The order is placed on record.

3. The proposed adoptive parents are Indians, residing in Ballari, Karnataka. They are about 49 and 46 years old, having been married for 15 years with one biological son, Rahul, about 14 years old. His birth certificate, medical certificate, and consent have been placed on record. The proposed adopters' motivation letter has been placed on record. In its meeting held online on 29th January 2021, the Adoption Committee recorded that the prospective adoptive parents are suited to adopt the child. That Committee's order, too, has been placed on record.

4. Medical reports dated 15.01.2021, of the adoptive parents show that they are fit for adopting the child. Along with their negative HIV and other test reports, those medical reports, too, have also been placed on record

5. The prospective adoptive father has been a contractor (Proprietor of Sree Harsha Enterprises, Bellari),

since 2007, with annual income of Rs. 5,16,070/- (AY 2020-21). The proof of Firm and his Income tax returns for the AYs 2019-20 and 2020-21 have been placed on record. The prospective adoptive mother has been working as a Junior Manager with JSW Steel Limited, since 22.01.1998, drawing a gross monthly salary of Rs.90,215/- and net salary Rs. 68,341/-. Her pay slips and income tax returns for AYs 2019-20 and 2020-21, too, have been placed on record. Documents, such as copies of PAN card, AADHAR card have been placed on record, together with proof of residence and other supportive documents.

6. The affidavit of the adoptive mother's mother concerning childcare arrangement is on record; she is staying with the prospective adoptive parents. She affirms to take care of the child when the adoptive parents are away from home on their respective jobs.

7. A home study report of Part-I, self-assessment and assessment report in Part-II by the Social Worker of Amulya (G) Special Adoption Agency, Ballari, Karnataka, have also been placed on record. The authorities considered and have found the proposed adoptive parents suitable for adopting a child.

8. Child security undertaking dated 03.02.2021, furnished by the prospective adoptive mother's younger

sister and brother-in-law, residing at Ananthapur District, Andhra Pradesh, has been placed on record. They offer to look after the minor child if any mishap occurs to the prospective adoptive parents.

9. The pre-adoption foster care affidavit, dated 18.01.2021, has been placed on record.

10. The minor's health report, dated 20.06.2020, states that her overall development is normal. That report has been countersigned by the prospective adoptive parents. The child's negative HIV report has also been placed on record. The consent and undertaking of the prospective adoptive parents are on record.

11. The affidavit of the Petitioner institution has been placed on record.

12. The undertaking, dated 15.01.2021, by the Specialized Adoption Agency "Amulya (G) Ballari, Karnataka", for furnishing post adoption follow-up reports has been placed on record.

13. The Petitioner institution's recognition from the Women and Child Development, Maharashtra State, to place children in adoption is valid for a period up to 31.03.2021. When the Petitioner institution's application for renewal had been pending, it filed this adoption

petition under the provisions of Regulation 24(5) of the Adoption Regulations 2017.

14. 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 10.06.2021, is taken on record and marked-'X' for identification.

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

“(a) For adoption of the proposed female minor Baby Samita @ Ruthvika Reddy, born on 20th June 2019, the proposed Adopters under Juvenile Justice Act.

(b) For declaring the Proposed Adopters as Adoptive Parents of the Said minor and shall have all parents rights, privileges and responsibilities over the said minor Baby Samita @ Ruthvika Reddy.

(c) That the Proposed Adopters be granted permission to change the name of minor Samita to Ruthvika Reddy.

(d) That the concerned Municipal Authority/ Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Ruthvika Reddy, born on 20th June 2019 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(e) That the Prospective Adoptive Parents may be granted Leave to remove the said

minor from the jurisdiction of this Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required."

16. 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.1,50,000/- and submit a report of that investment.

17. Today, this Court has also signed a separate Judge's Order appointing the prospective adopters as adoptive parents of minor Samita.

18. The Adoption petition, thus, stands disposed of.

[DAMA SESHADRI NAIDU, J.]

Privacy Warning: No part of this order shall be uploaded on any public domain or portal without this Court's express permission.