

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO. 40 OF 2020
WITH
JUDGE'S ORDER NO. 78 OF 2020
IN
INDIAN ADOPTION PETITION NO. 40 OF 2020**

Saachi (Nitara) Nischint Chawathe.... Minor

Bal Asha Trust

.. Petitioner

And

Nischint Niranjana Chawathe

Ashwini Nischint Chawathe

.. Prospective Adoptive Parents

Mr. Rakesh Kapoor for petitioner.

Mr.O. Hareendran, Representative of ICSW present.

Mr. Arun Kesarkar, 2nd Asstt. Master present.

CORAM : N.J. JAMADAR, J.

DATE : 13th JANUARY 2021

P.C.

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 Bal Asha Trust, a specialized adoption agency. The petitioner seeks an order permitting adoption of a female child born on 30th November 2019. The petition is supported by an affidavit of Mr. Sunil Kumar Arora, Authorized Signatory/Executive Director, convener of the petitioner.

The report of Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare is taken on record and considered.

2. The child was surrendered before the Child Welfare Committee, Mumbai City II on 2nd December 2019. The child has been entrusted to the

petitioner by the order of the Child Welfare Committee dated 2nd December 2019. Post an enquiry envisaged under section 38 of the Act, 2015, the Child Welfare Committee has declared the child legally free for adoption by its order dated 5th February 2020.

3. The adoption Committee, in its meeting held on 6th March 2020, has approved the proposal of the prospective adoptive parents Mr.Nischint Niranjan Chawathe and Mrs. Ashwini Nischint Chawathe to adopt the child.

4. The medical reports of the child reveal that the child is developmentally “Normal”. She has developed well in the institution. The HIV test report of the minor dated 17th January 2020 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 female child as their adoptive child. They have countersigned the medical reports.

5. The prime motivation to adopt the child seems to be a strong desire to have a child as the prospective adoptive parents claimed to have been married for almost 10 years. The motivation letter, *inter-alia*, reveals that the prospective adoptive parents have not been blessed with a child, through various fertility treatments, despite earnest efforts. Thus, the prospective adoptive parents have an urge to complete their family.

6. The documents showing the situation in life and financial standing reveal that the prospective adoptive parents are well placed. The prospective adoptive father is working in Kotak Mahindra Bank as Associate Director. The cumulative pay slips for the financial years 2018-2019, 2019-2020 reveal that the monthly emoluments are in the range of Rs. 5,00,000/-. The second petitioner is a Homemaker.
7. The Home Study Report conducted by St. Catherine's Home strongly recommends the suitability of the prospective adoptive parents to adopt the child. It, *inter-alia*, records that the couple is happily married for last seven and half years. They are mature and well settled in their marital life. Their finances are stable and they are in a good position to take care of physical, medical, and educational needs of the child.
8. The decision of the prospective adoptive parents to adopt the child seems to be well received and supported by their relatives and friends.
9. An undertaking dated 12th March 2020 by Mr. Parnil Pravin Mhatre and Mrs. Niyoti Parnil Mhatre, the brother-in-law and sister of Mr. Nischint Niranjana Chawathe is on record. They have undertaken to look after the child in an unforeseen eventuality.
10. On balance, the prospective adoptive parents appear to be physically fit, financially sound, 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 (d).

(ii) The child shall not be offered for further adoption.

(iii) Judge's order is signed separately.

(iv) Undertakings are accepted.

The petition stands disposed of in the aforesaid terms.

[N.J. JAMADAR, J.]