

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

FOREIGN ADOPTION PETITION NO. 14 OF 2021
WITH
JUDGE'S ORDER NO. 92 OF 2021**

Janani Ashish Charitable Trust

...Petitioner

Versus

Darren Craig Price And Tarunaben
Bhagubhai Mistry (Pro. Adop.) & Gia
Durga Price (Minor)

...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 adoption of a girl, Durga, born on 23rd July 2014. Thane Railway Police Station, on 18.07.2019, found the girl abandoned. On 23.07.2019, the child was presented before the Child Welfare Committee, Thane. On the same day, the girl was handed over to the Petitioner institution, Janani Ashish Charitable Trust, Dombivli East, District Thane. Later, on 28th November 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 23rd September 2020, the Central Adoption Resource Authority (CARA), New Delhi, issued a No Objection Certificate to the proposed adoption, as per the applicable Adoption Regulations 2017 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 father is a British national and the mother is a Canadian National, both residing at Toronto, Canada. They are about 50 and 51 years old, having been married for the past eleven years with no biological child.

5. Since 30.10.2018, the prospective adoptive father has been working as a 3rd Assistant Director with Guest of Honour Films Inc. Canada, with an annual income of \$72,216 (tax year 2019). His letter of employment and Canada Revenue Agency Income Tax information for the year 2019 have been placed on record. The prospective adoptive mother works as an Administrative Assistant with KPMG Management Services LP, Canada; she annually earns \$54,647. Her letter of employment and Canada Revenue Agency Income Tax information for the year 2019, too, have been placed on record, besides the financial documents, such as Bank references, Residence Certificate of the adoptive parents.

6. The childcare arrangement plan declaration from the adoptive parents has also been placed on record. It states that the adoptive mother will take 35 weeks parental leave to take care of their child. If she returns to work, their child will be in a licensed daycare centre.

7. Medical reports of the adoptive parents showing that they are suited to adopt the child, their negative HIV and other test reports have also been placed on record.

8. Home study reports dated 03.05.2016 and 21.08.2018 by the approved Private Adoption Practitioner Anne Sheehan, MSW RSW, have been placed on record.

The reports indicate that the prospective adoptive parents are stable in their marriage and their financial situation has improved. So it will allow them to pay complete attention to the child being adopted from India. They have strong support system and have numerous nieces, nephews, and friends with children. After assessing the adoptive parents, the adoption practitioner has recommended them to adopt, through intercountry adoption, a male or female child, between the ages of 8 months and 6 years, healthy or with medically treatable conditions. Along with the home study report, a Psychological Assessment report of the adoptive parents dated 20th February 2018 has also been placed on record.

9. The letter of approval, notice of consent, Permission and Article 17 letter issued by the Ontario Ministry of Children, Community and Social Services, have been placed on record.

10. The undertaking of the Authorized Foreign Adoption Agency (AFFA), “Cornerstone Adoption Agency” Canada, to provide follow-up report of the child and make alternative arrangement in the event of death or 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 06.06.2021, 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 siblings female minor Gia Durga Price, born on the 23rd day of July, 2014 by the Proposed Adopters under Section 59(7) of the Juvenile Justice Act, 2015.

(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 Gia Durga Price, now in the care and custody of Janani Ashish Charitable Trust, Plot P/37, M.I.D.C., Res. Zone, Dombivli (East) – 421 203, District Thane, Maharashtra State.

(c) That the proposed adopter be allowed to change the name of the minor Durga to Gia Durga Price.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Gia Durga Price.

(e) That the Proposed Adopters may be granted leave to remove the said minor Gia Durga Price from the jurisdiction of this Hon'ble Court and to take the said minor to Canada 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 Durga.

[DAMA SESHADRI NAIDU, J.]

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