

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO. 46 OF 2020
WITH
JUDGE'S ORDER NO. 92 OF 2020
IN
INDIAN ADOPTION PETITION NO. 46 OF 2020**

Shivam Garg - Minor

Bal Vikas Shishu Welfare Trust of
India

...Petitioner/Applicant

And

Sandeep Garg
Sonali Agrawal

...Prospective
Adopters/Co-Petitioners

Mr. Rakesh Kapoor, for the Petitioner.

Mr.O. Hareendran, Representative of ICSW present.

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

CORAM: N. J. JAMADAR, J.

DATED : 20th JANUARY, 2021

PC:-

1. This petition under section 56 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'the Act, 2015') is preferred by Bal Vikas Shishu Welfare Trust, a specialized adoption agency. The petitioner seeks an order permitting adoption of a male child born on 19th October, 2019, and entrusted to the custody of the petitioner on 1st November, 2019, by the order of the Child Welfare Committee-II, Mumbai Suburban District. The petition is supported by an

V. S.
Parekar

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affidavit of Ms. Prabha Dhimmar, Authorized Signatory of the petitioner.

2. Perused the report of Mr. O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare.

3. The minor is an abandoned child. After an enquiry envisaged by Section 38 of the Act, 2015, the Child Welfare Committee, has declared the child legally free for adoption, by its order dated 13th March 2020.

4. The adoption Committee, in its meeting held on 16th September, 2020 has approved the proposal of the prospective adoptive parents Mr. Sandeep Garg and Ms. Sonali Agrawal to adopt the child. The Adoption Committee found that the prospective adoptive parents are suitable to adopt the child.

5. The medical reports of the child reveals that the child is developmentally "Normal". It records that the child is within normal limits of motor and mental development. The HIV test report of the minor dated 15th September, 2020 is "Negative". The prospective adoptive parents have perused and understood the contents of the medical examination report of the child and have shown willingness to accept the child as their adoptive child. The prospective adoptive parents have a adoptive daughter. She appears to be five years old. The desire to have a male child and complete the family and provide the love and

comfort of sibling to the adopted girl child appears to have motivated the prospective adoptive parents to adopt a second child.

6. The Home Study Report of the prospective adoptive parents appraises them very highly. It strongly recommends the proposal for adoption. It is, *inter-alia*, recorded that the prospective adoptive parents are very loving and caring persons. They have completed 12 years of marital life. They have a very healthy marital understanding. They have the capacity to provide good education and disciplined life to the child. They are emotionally and physically fit to adopt the child.

7. Mr. Sandeep Garg, the prospective father is working as R & D Engineer IC Design 5 with LSI India Research & Development Pvt. Ltd. His gross monthly income is Rs.3,37,680/-. The net pay for the month of August-2020 was Rs.58,609/-. Ms. Sonali Agrawal, the prospective mother also works as Senior Relationship Manager with WIPRO Limited. Her take home salary from the month of August-2020 was Rs.68,237/-. The prospective adoptive parents appear to be well placed in life. They have a good educational background. They appear to be financially sound.

8. The decision to adopt another child seems to have been well received by the family of the prospective adoptive parents.

Mr. Navin Garg and Reena Garg, the brother-in-law and sister of the prospective father Mr. Sandeep have filed an undertaking to take care of the child in an unforeseen eventuality.

9. Upon a careful consideration of the material on record including the home study report, the situation in life of the prospective adoptive parents, their level of motivation and overall disposition, I am of the considered view that the prospective adoptive parents are physically fit, financially sound, mentally alert and highly motivated to adopt the child and they have the potential to provide a good upbringing to the child. Thus, the petition deserves to be allowed.

10. 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) Undertakings are accepted.
- (iv) Judge's order is signed separately.

The petition stands disposed of in the aforesaid terms.

[N. J. JAMADAR, J.]