

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO. 43 OF 2020
WITH
JUDGE'S ORDER NO. 89 OF 2020
IN
INDIAN ADOPTION PETITION NO. 43 OF 2020**

Hridhaya Deepak Jaiswal - Minor

St. Catherine's Home ...Petitioner/Applicant

And

Deepak Shivdas Jaiswal

Mamta Deepak Jaiswal

...Prospective Adoptive
Parents

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 St. Catherine's Home, a specialized adoption agency. The petitioner seeks an order permitting adoption of a female child born on 19th November, 2019, and entrusted to its custody by an order dated 7th January, 2020, passed by the Child Welfare Committee (II), Mumbai Suburban District. The petition is supported by an

**V. S.
Parekar**

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affidavit of Sister Cicily Chiramal, Authorized Signatory and Convener of the petitioner.

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

3. The minor is a surrendered child. The Child Welfare Committee, after an enquiry envisaged by Section 38 of the Act, 2015, has declared the child legally free for adoption, by its order dated 24th June, 2020.

4. The adoption Committee, in its meeting held on 18th August, 2020 has approved the proposal of the prospective adoptive parents Mr. Deepak Shivdas Jaiswal and Mrs. Mamta Deepak Jaiswal to adopt the child. The Adoption Committee found that the prospective adoptive parents are suitable to adopt the child.

5. The child study report and medical examination of the child reveal that the child is developmentally "Normal". The HIV test report of the minor dated 9th January, 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 child.

6. The marriage of the prospective adoptive parents was solemnized on 5th May, 2005. They have no biological child. The prime motivation for the decision to adopt a child seems to be

the inability to have a biological child. The prospective adoptive parents have claimed that despite having conceived on 3 to 4 occasions the prospective mother could not successfully carry the pregnancy. They, thus, intend to adopt the child to complete the family.

7. The Home Study Report strongly recommends the proposal for adoption. It, *inter-alia*, records that the prospective adoptive parents are family oriented, loving, caring and responsible. They share a stable marital relationship for 12 years. They are educated and financially secure. Their decision to adopt a child has the support of their family members.

8. The prospective adoptive father is working as Senior Associate Sales with Ingram Micro India Private Limited. The salary certificate for the month of August-2020 indicates that the gross salary was Rs.56,379/- and the net salary was Rs.49,953/-. The prospective adoptive mother is a homemaker. It appears that they are well placed in life. Their financial position is reasonably stable.

9. The decision of the prospective adoptive parents to adopt a child seems to have been well received by their family members and well-wishers. Mr. Pankaj Jaiswal and Mrs. Dipika Jaiswal, the brother and sister-in-law of the prospective father Mr. Deepak Shivdas Jaiswal have submitted an undertaking to

look after, maintain and educate the child in an unforeseen eventuality.

10. In the light of the aforesaid material and the totality of the circumstances, I am of the considered view that the adoptive parents are physically fit, financially sound, mentally alert and highly motivated to adopt the child. They 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) Undertakings are accepted.
- (iv) Judge's order is signed separately.

The petition stands disposed of in the aforesaid terms.

[N. J. JAMADAR, J.]