

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO. 45 OF 2020
WITH
JUDGE'S ORDER NO. 91 OF 2020
IN
INDIAN ADOPTION PETITION NO. 45 OF 2020**

Sumesh Shankar Ingale - Minor

St. Catherine's Home	...Petitioner/Applicant
And	
Shankar Sidram Ingale	
Kiran Shankar Ingale	...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 male child born on 6th February, 2019, and entrusted to its custody by an order dated 11th March, 2019, by the Child Welfare Committee, Mumbai Sub-urban District. The petition is supported by an affidavit of Sister Cicily

V. S.
Parekar

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Chiramal, duly 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 13th May 2019.

4. The adoption Committee, in its meeting held on 10th July, 2020 has approved the proposal of the prospective adoptive parents Mr. Shankar Sidram Ingale and Mrs. Kiran Shankar Ingale to adopt the child. The Adoption Committee found that the prospective adoptive parents are well situated to adopt the child.

5. The child study report and medical examination of the child indicate that the child is developmentally "Normal". The HIV test report of the minor dated 5th March, 2019 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.

6. The marriage of the prospective adoptive parents was solemnized on 5th May, 2003. The prime motivation for the

decision to adopt a child seems to be the inability to have a biological child despite earnest efforts. The motivation letter reveals that the prospective adoptive parents had availed medical treatment to have a child but to no avail and thus decided to adopt the child.

7. The Home Study Report is favourable. It strongly recommends the proposal for adoption. It, *inter-alia*, records that the prospective adoptive parents have full confidence in their parenting capacities and believe that parenting plays an important role in the development of the child. They are emotionally mature. They have a stable family structure. The couple is emotionally stable and mature enough to take care of the child.

8. The prospective adoptive father is working as Assistant Teacher in a school. He is a permanent employee. His average take home salary for the month of April, May and June, 2020 was Rs.61,000/-. The prospective adoptive mother is a homemaker. The prospective adoptive parents appear to be well placed in life.

9. The decision of the prospective adoptive parents to adopt the child seems to have been well received by their family. Mr Shrinivas Sidram Ingale and Mrs. Aarti Shrinivas Ingale, the brother and sister-in-law of the prospective father Mr. Shankar

Sidram Ingale have submitted an undertaking to take care of the child in an unforeseen eventuality.

10. In the totality of circumstances, as borne out by the 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 for providing 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.]