

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

INDIAN ADOPTION PETITION NO. 49 OF 2021
WITH
JUDGE'S ORDER NO. 105 OF 2021**

Bal Asha Trust

...Petitioner

Versus

Shripad Madhav Deshpande & Hema
Shripad Deshpande (Prop. Adop.) And
Aryan S. Deshpande (Minor)

...Proposed
Adoptive parents

.....

Mr. Rakesh Kapoor - Advocate for the Petitioner.

Mr. O. Hareendran, 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 : 25th JUNE 2021.**

P.C. :

Heard Shri Rakesh Kapoor, the learned counsel for
the Petitioner, and Shri O. Hareendran, the Scrutiny
Officer, Indian Council of Social Welfare (ICWS), in the
Court through a VC link.

2. The petition proposes adoption of a boy, Aryan Ahiwale, born on 03 June 2010. The child was found abandoned by the Prerana NGO, Mumbai and surrendered before the Child Welfare Committee, Mumbai City II, on 24 May 2019. And on the same day, the boy was handed over to the Petitioner institution, Bal Asha Trust, Mumbai. Later, on 10 February 2020, 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. The order is placed on record.

3. The proposed adoptive parents are Indian nationals residing at Kalwa, Thane. They are aged about 52 and 46 years, having been married for the past 23 years with no biological child. The proposed adopters' motivation letter has been placed on record. In that letter, they state that they both have always dreamt of being parents, but they remained childless. With the knowledge that adoption is a great option of becoming parents, they have decided to adopt a child. The Adoption Committee, in its meeting held online on 10 February 2021, granted principal approval for adoption, subject to the proposed adopters' furnishing the required documents. That Committee's order, too, has been placed on record.

4. The prospective adoptive father is working as a Senior Project Manager, Product Department with Nelito

Systems Limited, Airoli, Navi Mumbai, with a monthly gross salary of Rs. 89,109/-; the prospective adoptive mother is a homemaker. Financial documents, such as salary slips, copies of PAN card, AADHAR card, provident fund statement of the adoptive father have been placed on record together with proof of residence and other supportive documents.

5. Medical reports of the adoptive parents showing that they are in good health for adopting the child, along with their negative HIV and other test reports, have also been placed on record.

6. A home study report of Part-I, Self Assessment and assessment report in Part-II by the Deputy Director of Janani Ashish Chritable Trust, Dombivli East, District Thane, have also been placed on record. The authorities considered and found the proposed adoptive parents suitable for adopting a child.

7. Child security undertaking, furnished by the prospective adoptive mother's cousin brother and sister-in-law, residing at Raigad, Maharashtra, has been placed on record. They offer to look after the minor child if any mishap befalls the prospective adoptive parents.

8. The minor's medical examination report, indicating the child to be a normal and healthy one and countersigned

by the prospective parents, has been placed on record. It is filed together with the prospective adoptive parents' declaration of consent and willingness. Health certificates, such as negative HIV report, of the minor have been placed on record.

9. Considering the material placed on record, some of which has been referred to above, and compliances noted as above, this Court is of the view that the adoption petition deserves to be allowed. In this regard, the report of the Scrutiny Officer, dated 21.06.2021, is taken on record and marked-'X' for identification.

10. The petition is, accordingly, allowed in terms of prayer clauses (a) to (d):

“(a) That the Prospective Adoptive Parents be given the said child in Adoption be declared as parents and have all parental legal rights, Privileges and responsibilities over the said minor Aryan Shripad Deshpande.

(b) That the Prospective Adoptive Parents may be granted leave to remove the said minor from the jurisdiction of this Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required.

(c) That the concerned Municipal Authority/ Birth Certificate issuing Authority may be

directed to issue Birth Certificate in the name of the said minor Aryan Shripad Deshpande, born on 03.06.2010 and stating that thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from Aryan Ahiwale to “Aryan Shripad Deshpande” born on 03.06.2010.”

11. In tune with this Court’s practice note for Indian adoptions, the prospective adoptive parents have offered to invest in the child’s name Rs. 1 lakh and submit a report of such investment.

12. A separate Judge’s Order for appointing the prospective adopters as adoptive parents of minor Aryan Ahiwale is signed by this Court today.

[DAMA SESHADRI NAIDU, J.]