

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

FOREIGN ADOPTION PETITION NO. 18 OF 2021
WITH
JUDGE'S ORDER NO. 107 OF 2021**

Janani Ashish Charitable Trust

...Petitioner

Versus

Adrian Jude Moreiro And Anr. And
Athan Adrian Moreiro (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 the adoption of a boy, Arnav, born on 11th November 2019.

Vishnu Nagar Police Station, Dombivli, on 29.12.2019, found the boy abandoned. On 31.12.2019, the child was presented before the Child Welfare Committee, Thane. And on the same day, the boy was handed over to the Petitioner institution, Janani Ashish Charitable Trust, Dombivli East, District Thane. Later, on 24th November 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 (2 of 2016). The order is placed on record.

3. On 05th February 2021, 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 parents are Indian nationals residing at Dubai, U.A.E.. They are about 37 and 35 years old, having been married for the past eight years with no biological child. The proposed adopters' motivation letter has been placed on record, indicating the rationale of their intention to adopt a minor child from India.

5. Since 07.08.2019, the prospective adoptive father has been working as an Assistant Product Manager with the

National Bank of Ras Al-Khaimah, UAE, with a monthly salary of AED 21,000/-. And the prospective adoptive mother has been a Subject Teacher in Springdales School, Dubai, since 10.11.2019, with a monthly net salary of AED 5500. Placed on record are the financial documents, such as Bank reference, financial declaration, Residence Certificate, Property Certificate of the adoptive parents.

6. The childcare-arrangement-plan declaration from the prospective adoptive parents has also been placed on record.

7. Medical reports of the adoptive parents show that they are in good health for adopting the child and their negative HIV and other test reports. They have also been placed on record.

8. Home study reports, dated 27.02.2018 and 12.01.2021, of Mrs. Omana Menon, Social Worker, Dubai, U.A.E. (authorized by CARA) have been placed on record. The reports indicate that the prospective adoptive parents are financially sound and that they possess a good personal, professional background. After assessing them, the social worker reckons that the prospective adoptive parents have all the qualities of good parents and will raise the child with lots of love and care. She has strongly advised them to adopt a healthy boy child below two years

as per adoptive parents wish. Along with the home study report, Psychological Evaluation reports of the adoptive parents, dated 21.03.2018 and 26.03.2018, are placed on record.

9. Child security undertaking, furnished by the prospective adoptive father's sister and brother-in-law, residing at Borivali, Mumbai, has been placed on record. They offer to look after the minor child if any mishap occurs to the prospective adoptive parents.

10. The undertaking dated 04.04.2018 of Mrs. Omana Menon, Social Worker, Dubai, U.A.E. (Authorized by CARA) to provide a follow-up report of the child and make alternative arrangements in the event of death or disruption of the adoptive parents 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 29.06.2021, 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 male minor Athan Adrian Moreiro, born on 11/11/2019 by the Proposed Adopters under Section 59(7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopter as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor Athan Adrian Moreiro, 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 adopters be allowed to change the name of the minor Arnav to Athan Adrian Moreiro.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Athan Adrian Moreiro.

(e) That the Proposed Adopters may be granted leave to remove the said minor from the jurisdiction of this Hon’ble Court and to take the said minor to UAE 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 Arnav.

[DAMA SESHADRI NAIDU, J.]

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