

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

INDIAN ADOPTION PETITION NO. 59 OF 2021
WITH
JUDGE'S ORDER NO. 121 OF 2021

Shri Manav Seva Sangh

...Petitioner

Versus

Murali K. Kulkarni and

...Proposed

Ashwini M. Kulkarni

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 : 23rd 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 petition proposes the adoption of a girl, Shreya, born on 19th April 2020. Based on the Order, 30th April 2020, of Child Welfare Committee, Mumbai City-I, the biological mother admitted the child before Shree Manav Seva Sangh, Mumbai, on the same day. Later, on 13th August 2020, the 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 Indians, residing at Bangalore, Karnataka. They are about 49 and 45 years old, having been married for seventeen years, with one biological son aged about 14 years. The proposed adopters' motivation letter is on record. The decision of Adoption Committee dt.16.10.2021 is on record.

4. The affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record.

5. The prospective adoptive father has been working as an Assistant Vice President – Technologies with Mashreq Global Services Private Limited, Bangalore since 6.9.2018, drawing a gross monthly salary of Rs.2,91,985/-; the prospective adoptive mother is a homemaker. Salary Slips from August to November 2020 of the prospective adoptive

father and copies of PAN card, AADHAR card have been placed on record. The proof of residence and other supportive financial documents, too, are on record.

6. Adoptive parents' medical reports, dated 03.10.2020, show that they are physically and mentally fit to adopt the child. Along with their negative HIV and other test reports, those medical reports, too, have also been placed on record.

7. A home study report of Part-I, self-assessment and assessment report in Part-II by the Social Worker of Shishu Mandir, Bangalore, have also been placed on record. The authorities considered and have found the proposed adoptive parents suitable to adopt a child.

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

9. The minor's health report, dated 24.08.2020, countersigned by the adoptive parents, states that "She is mentally and physically Normal". Her growth and development are appropriate for her age. The minor's negative HIV report has also been placed on record, along

with the declaration of consent and undertaking of the prospective adoptive parents.

10. The pre-adoption foster care affidavit, dated 07.10.2020, has been placed on record.

11. The undertaking, dated 08.10.2020, to send the follow up report by the Specialized Adoption Agency “Shishu Mandir”, Bangalore, for furnishing post adoption follow-up reports has been placed on record.

12. The Petitioner institution’s recognition from the Women and Child Development, Maharashtra State to place children in adoption is valid until 07.03.2024.

13. 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 14.07.2021, is taken on record and marked-‘X’ for identification.

14. 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 Srishti Murali Kulkarni.

(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 Srishti Murali Kulkarni, born on 19/04/2020 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 Shreya to "Srishti Murali Kulkarni, born on 19/04/2020."

15. 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.2,00,000/- and submit a report of that investment.

16. Today, this Court has also signed a separate Judge's Order appointing the prospective adopters as adoptive parents of minor Shreya.

17. The Adoption petition, thus, stands disposed of.

[DAMA SESHADRI NAIDU, J.]

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