

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

FOREIGN ADOPTION PETITION NO. 20 OF 2021
WITH
JUDGE'S ORDER NO. 113 OF 2021**

Bal Asha Trust ...Petitioner

Versus

Amol Prakash Vadhavkar and Anr. ...Proposed
(Pro. Adopters) Adoptive
And Durgesh Amol Vadhavkar (Minor) parents

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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 : 17th 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, Durgesh Ayyappa, born on 22nd June

2010. Child Line CST Railway Police of Mumbai found the child abandoned on 18th August 2017. They admitted the boy in New Observation Home, Mankhurd, Mumbai. On 08.05.2018, the child was presented before the Child Welfare Committee, Mumbai City-II. On the same day, the Committee handed over the child to the Petitioner institution. Later, on 31st May 2019, 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 26th February 2021, the Central Adoption Resource Authority (CARA), issued a No Objection Certificate to the proposed adoption. It is 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 undertaking/affidavit by the Petitioner institution in support of adoption of child, too, has been placed on record.

5. The proposed adoptive parents are Indians, residing in Singapore. They are about 42 and 41 years old, having been married for 13 years with no biological child.

6. The prospective adoptive father's medical report, dated 13/07/2021, is on record; it states that he has a history of hypertension but is fit to adopt a ten-year old child. The prospective adoptive mother's medical report, dated 13/07/2021, too, is on record; it states that she has a history of Hypothyroidism but is fit to adopt the child. All their medical reports, including their negative HIV, have also been placed on record.

7. Since 01.09.2018, the prospective adoptive father has been working as an Electrical Engineer with Diebold Nixdorf Singapore Pte Ltd., drawing a monthly salary of SGD \$5403.62. The Certificate, dated 02/03/2021, by the Employer has been placed on record. The prospective adoptive mother has been working as a Data Science Trainer with Xaltius Pte. Ltd. Singapore, since 10/08/2020, drawing monthly base salary of SGD \$4250. Her Income and Employment certificates, too, have been placed on record. Also placed on record are Income Tax Assessment for the years 2018, 2019 and 2020, Bank References, Attestation, and declaration of personal conditions, along with adoptive parents' residence proof.

8. The childcare plan statement by the prospective Adoptive mother has also been placed on record.

9. A home study report of Part-I, self-assessment and assessment report in Part-II Home study report dated 29/01/2021 by the by the Consultant of Singapore High Commission of India has been placed on record. The report indicates that the prospective adoptive parents are cordial, polite, and have basic Indian value systems ingrained in their everyday life and living. They do understand the responsibilities and the challenges they may face in adopting an older child; they are mentally prepared for it. Apart from this, the consultant has noticed that the adoptive mother is very patient and would be able to handle an older child as a primary caregiver. After a thorough assessment, the Assessor reckons that the adoptive couple is emotionally ready and is prepared to adopt an older child. Along with the home study report, the adoptive parents' psychological assessment report, dated 10.03.2021, has also been placed on record. The report reveals that the couple would be a fit parents and provide a positive, secure, nurturing, and loving environment to the adopted child.

10. The Permission, dated 20.02.2018, by the High Commission of India has been placed on record.

11. Child security undertaking, dated 09.03.2021, furnished by the prospective adoptive father's sister and brother-in-law, residing in Kalyan, District Thane, has been

placed on record. They offer to look after the minor child if any mishap occurs to the prospective adoptive parents.

12. Durgesh's medical examination report, dated 05.12.2020, countersigned by the adoptive parents, is on record. On its "over all observation", the child has not suffered any major illness needing hospitalization and is currently disease free. He is developmentally normal for his age. Devang's negative HIV have also been placed on record.

13. Durgesh's Psychological Testing, dated 04.08.2020, is on record. It states that his Intellectual Quotient is 94 and Social Quotient is 99. The overall Impression states "he has Average Intellectual functioning and social functioning". His Language, speech, and Hearing Report, dated April 2019, states that he has no significant delay in his language acquisition. The Proposed Adopters have countersigned these Reports.

14. As regards the change of name, the proposed adopters desire that the minor 'Durgesh Ayyppa' be renamed as "Durgesh Amol Vadhavkar".

15. The proposed adopters' have signed the declaration of willingness to adopt the minor Durgesh Ayyppa. They further undertake to send the child's post-

placement reports, together with recent photographs, as required by this Hon'ble Court.

16. I have seen on record the undertaking, dated 15.02.2021, of the High Commission of India, Singapore, to provide a post adoption follow-up report of the child. It also agrees to facilitate the repatriation of the child in case of disruption of the adoptive family has also been placed on record.

17. The copy of Special Power of Attorney duly signed by the proposed adoptive parents favouring the Petitioner Institution has been placed on record.

18. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State, to place children in adoption is valid up to 05/05/2025.

19. 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. The additional document is taken on record and marked-'X-1' for identification.

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

“(a) For the Adoption of the proposed male minor Durgesh Amol Vadhavkar, born on 22.06.2010 by the proposed adopter under Section 59 (7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopter as Adoptive Parent of the said minor Durgesh Amol Vadhavkar and shall have all parents rights, privileges and responsibilities over the said child, now in the care and custody of Bal Asha Trust, Bal Asha Dham, Anand Niketan, Dr. E. Moses Road, Mahalaxmi, Mumbai – 400 011.

(c) That the Proposed adopter be allowed to change the name of the minor Durgesh Ayyappa to Durgesh Amol Vadhavkar.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Durgesh Amol Vadhavkar.

(e) That the Proposed Adopter may be granted leave to remove the said minor Durgesh Amol Vadhavkar from the jurisdiction of this Hon’ble Court and to take the minor out to Singapore 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 in the circumstances of the case.

21. Besides all the above, the Petitioner institution should obtain an additional undertaking from the adoptive parents affirming that they will not give the minor in further adoption without this Court’s prior leave. Once this

undertaking is secured, it shall be filed on the Court's record.

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

23. The Adoption petition is disposed of in the aforesaid terms.

[DAMA SESHADRI NAIDU, J.]

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