

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

INDIAN ADOPTION PETITION NO. 58 OF 2021
WITH
JUDGE'S ORDER NO. 121 OF 2021

Family Service Centre

...Petitioner

Versus

Ravindra Shyamdas Shambhwani & Chhaya
R Shambhwani

...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 : 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, Aaria,
born on 23rd January 2020. The biological mother admitted

the child before the Family Service Centre, Mumbai, on 19th February 2020. The next day, through its order, the Child Welfare Committee, Mumbai City-I, recognised that admission. Later, on 4th January 2021, 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 Nashik, Maharashtra. They are about 47 and 45 years old, having been married for eighteen years, with no biological child. The proposed adopters' motivation letter is on record. The decision of Adoption Committee dt.09.02.2021 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 a Manager with Radhika Trading Company, Nashik Road, since 2011, drawing a gross monthly salary of Rs.25,000/-; the prospective adoptive mother is a homemaker. Financial documents, such as employment certificate, salary certificate and income tax returns of the prospective adoptive father and copies of PAN card, AADHAR card, besides the adoptive parents' property documents and the statement of Net-

worth, have been placed on record. The proof of residence and other supportive documents, too, are on record.

6. Adoptive parents' medical reports, dated 21.01.2021, 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 Adharashram, Nashik, 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 father's cousin and sister-in-law, residing at Nashik, 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 08.01.2021, countersigned by the adoptive parents, states that the child is a "Normal Child". 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 12.02.2021, has been placed on record.

11. The undertaking, dated 10.02.2021, to send the follow up report by the Specialized Adoption Agency “Adharashram”, Nashik, 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 05.05.2025.

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 19.07.2021, 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 Janvi Ravindra Shambhwani.

(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 Janvi Ravindra Shambhwani, born on 23/01/2020 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 Aaria to "Janvi Ravindra Shambhwani", born on 23/01/2020."

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.1,00,000/- 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 Aaria.

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

[DAMA SESHADRI NAIDU, J.]

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