

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

INDIAN ADOPTION PETITION NO. 56 OF 2021
WITH
JUDGE'S ORDER NO. 116 OF 2021**

Vatsalya Trust Through Nanda Sangode ...Petitioner

Versus

Yogesh Arvind Powale and Yogita Yogesh ...Proposed
Powale Adoptive parents

Sparsh/Mrunmay Yogesh Powale (Minor)

.....

Ms. Sangeeta Nagpal- Advocate for the Petitioner.

Mr. O. Hareendran Nambiar, Scrutiny Officer, Indian
Council of Social Welfare, present.

Mr. D. R. Talekar – Chamber Registrar, present.

.....

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 17th JULY 2021.

P.C. :

Heard Ms. Sangeeta Nagpal, 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 boy, Sparsh, born on or about 05th August 2019. Kanjurmarg

Police Station found abandoned child, on 08th August 2019, and handed over to the Petitioner institution Vatsalya Trust on the same day for temporary care and protection. On 09.08.2019, the minor was produced before the Child Welfare Committee, Mumbai Suburban District. On the same day, the Committee allowed the Petitioner institution to have the custody. Later, on 06th November 2020, the Child Welfare Committee, Mankhurd, Mumbai, 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 in Latur, Maharashtra. They both are about 34 years old, having been married for eight years, with no biological child due to medical reasons. Infertility Certificate has been placed on record. The proposed adopters' motivation letter, too, is on record. In its meeting held online on 17th February 2021, the Adoption Committee recorded that the prospective adoptive parents are suited to adopt the child. That Committee's order has been placed on record.

4. The affidavit by the Specialized Adoption Agency (Petitioner) has been placed on record.

5. Since 24.12.2010, the prospective adoptive father has been working as a Stenographer with Assistant Charity Commissioner, Latur Region, with a gross monthly salary of Rs.81,234/-. The prospective adoptive mother is a homemaker. Financial documents, such as pay slips, copies of PAN card, AADHAR card, income tax returns of the adoptive father, have been placed on record, together with proof of residence and other supportive documents.

6. Medical reports dated 12.02.2021, of the adoptive parents show that they are not suffering from any chronic, contagious, or fatal diseases and they are fit for adopting 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 Grah, Khadgaon Road, Latur, have also been placed on record. The authorities considered and found the proposed adoptive parents suitable for adopting a child.

8. Child security undertaking dated 09.02.2021, furnished by the prospective adoptive father's younger brother and sister-in-law, residing at Osmanabad, Maharashtra, has been placed on record. They offer to look

after the minor child if any mishap occurs to the prospective adoptive parents.

9. The pre-adoption foster care affidavit, dated 09.02.2021, has been placed on record.

10. The minor's health report, dated 11.01.2021, counter signed by the adoptive parents, states that the minor's overall development is normal. The child's negative HIV report has also been placed on record.

11. The consent, willingness, and undertaking of the prospective adoptive parents has been placed on record.

12. The undertaking, dated 05.02.2021, by the Specialized Adoption Agency Shishu Grah, Khadgaon Road, Latur, for furnishing post adoption follow-up reports has been placed on record.

13. The Petitioner institution's recognition from the Women and Child Development, Maharashtra State to place children in adoption is valid up to 31.03.2021. Pending its application for renewal, the Petitioner institution filed this adoption petition under the provisions of Regulation 24(5) of the Adoption Regulations 2017

14. 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 13.07.2021, is taken on record and marked-'X' for identification.

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

“(a) For adoption of the proposed male minor Baba Sparsh @ Mrunmay Yogesh Powale born on 5th August, 2019, the proposed Adopters under Juvenile Justice Act.

(b) For declaring the Proposed Adopters as Adoptive Parents of the Said minor and shall have all parents rights, privileges and responsibilities over the said minor Baba Sparsh @ Mrunmay Yogesh Powale.

(c) That the Proposed Adopters be granted permission to change the name of minor Sparsh to Mrunmay Yogesh Powale.

(d) That the concerned Municipal Authority/ Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Mrunmay Yogesh Powale, born on 5th August, 2019 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(e) 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."

16. 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.

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

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

[DAMA SESHADRI NAIDU, J.]

Privacy Warning: No part of this order shall be uploaded on any public domain or portal without this Court's express permission.