

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

INDIAN ADOPTION PETITION NO. 57 OF 2021
WITH
JUDGE'S ORDER NO. 119 OF 2021**

Vatsalya Trust, Mumbai

...Petitioner

Versus

Santosh Kumar Singhanian and Surabhi
Santosh Singhanian

...Proposed
Adoptive parents

And Saksham (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.

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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, Saksham, born on 06th March 2020. The biological mother surrendered the child before the Child Welfare Committee, Mumbai Suburban District, on 09th March 2020. And on the same day, the boy was handed over to the Petitioner institution, Vatsalya Trust, Mumbai. Later, on 18th September 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. The order is placed on record.

3. The proposed adoptive parents are Indians, residing in Pune. They are about 44 and 36 years old, having been married for 11 years, with no biological child. The proposed adopters' motivation letter has been placed 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, too, has been placed on record.

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

5. Since 01.05.2013, the prospective adoptive father has been working as a Senior Accounts Officer with Havells India Ltd., Pune, with a gross monthly salary of Rs.50,253/-. His appointment letter has been placed on

record. 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 06.02.2021, of the adoptive parents show that they are not suffering from major or minor illness. Both are physically, mentally, and psychologically 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 SOFOH, (Society of Friends of the Sassoon Hospitals), Pune, have also been placed on record. The authorities considered have 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 brother and sister-in-law, residing at Pune, 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 20.10.2020, states that the child's overall development is normal. His negative HIV report is on record. The prospective adoptive parents' consent, willingness, and undertaking have been placed on record.

11. The undertaking dated 08.02.2021 by the Specialized Adoption Agency SOFOSH (Society of Friends of the Sassoon Hospitals), Pune, 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 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.

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 (e):

“(a) For adoption of the proposed male minor Baba Saksham @ Saksham Santosh

Singhanian born on 6th March, 2020, 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 Saksham @ Saksham Santosh Singhanian.

(c) That the Proposed Adopters be granted permission to change the name of minor Saksham to Saksham Santosh Singhanian.

(d) That the concerned Municipal Authority/ Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Saksham Santosh Singhanian, born on 6th March, 2020 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."

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 Saksham.

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

[DAMA SESHADRI NAIDU, J.]

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