

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 16 OF 2020
WITH
JUDGE'S ORDER NO. 97 OF 2020
IN
FOREIGN ADOPTION PETITION NO. 16 OF 2020**

Kaustubh @ Alex Munoz Virginio Minor

M.S.W.C. Adoption Group
And

.. Petitioner

1. Julio Munoz Gallarin

2. Fulvia Virginio

.. Prospective Adoptive Parents

Ms. Dipal Sanjanwala Mehta for petitioner.

Mr.O. Hareendran, Representative of ICSW present.

Mr. Arun Kesarkar, 2nd Asstt. Master present.

CORAM : N.J. JAMADAR, J.

DATE : 13th JANUARY 2021

P.C.

1. The petition is for an inter-country adoption of a minor male child under section 59(7) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as 'the Act, 2015'). The petition is supported by the affidavit of Mrs. Jaishri Sreedhar, the Convener of the petitioner.

The report of Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare is taken on record and considered.

2. The child was born on 28th July 2019. He is a surrendered child. The child came to be entrusted in the custody of the petitioner vide order dated 7th August 2019 passed by the Child Welfare Committee City-I. Post an

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enquiry envisaged under section 38 of the Act, 2015, the Child Welfare Committee has declared the child legally free for adoption by its order dated 30th October 2019.

3. The medical examination reports of the child reveal that physical development of the child is poor. The prospective adoptive parents have perused and understood the contents of the medical reports and are willing to accept the child as their adoptive child. They have countersigned the medical reports.

4. The Central Adoption Resources Authority (CARA) has given no objection to the prospective adoptive parents : Mr. Julio Muniz Gallarin and Mrs. Fulvia Virginio under Adoption Regulations Act, 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption, 1993, on 11th August 2020.

5. The Medical Reports of the prospective adoptive parents reveal that none of them suffer from any chronic, contagious, infectious or serious disease and they are medically fit to adopt a child.

6. The Home Study Report reveals that the prospective adoptive parents are a stable couple with good affectionate relationship, a good level of communication and they share decisions and roles. They are competent to meet all kinds of needs that the child may show. The physical and mental health of the couple is good. They are perfectly capable of taking

proper care of a child. The economic situation allows them to maintain an adequate standard of living for the attention of the family and the educational needs of their child. They do not have any criminal record or sexual offences records. The Agency has recommended the proposal of the prospective adoptive parents for adoption. The psychological study of the prospective adoptive parents also reveals that the prospective adoptive parents are suitable for adoption of a child between 0 to 4 years of age, from India, without unrecoverable mental or physical problems.

7. The prospective adoptive father Mr. Julio Munoz Gallarin is working with Titania Company under a permanent contract as CTO with an annual gross salary of 65,000 Euros. The prospective adoptive mother Ms. Fulvia Virginio is working as a preschool teacher with Big Little School, S.L. with a gross annual income of 14,301 Euros. The Income Tax returns by the prospective adoptive parents are also placed on record.

8. Today, the learned counsel for the petitioner has tendered the income tax returns of the prospective adoptive parents for the fiscal year 2019. It reveals that the individual taxation and income of Mr. Julio Munoz Gallarin was reported at 71,518.49 Euros and that of Ms. Fulvia Virginio at 22,642.52 Euros. The learned counsel has also tendered certified to be the true photographs of the house of the prospective adoptive parents. The same are taken on record.

9. The prospective adoptive parents have also submitted a satisfactory child care arrangement for the child. It records that Ms. Fulvia, the prospective adoptive mother, will have four months of paid absence from her job as per Spanish Law. Mr. Julio is also entitled to 12 weeks of paid absence from his job to see the adjustment of the child. Moreover, their close relatives would be glad to take care of the child in case of need. Mr. Marcos Blanco Hermida and Mrs. Patricia Costa Grande, the cousin and the cousin-in-law of Mr. Julio Munoz Gallarin, have submitted a child security undertaking, whereby they have undertaken to look after, maintain and educate the child to the best of their ability in the event of any unforeseen eventuality.

10. In the backdrop of the aforesaid material, certificates and undertaking, especially the favourable home study, psychological study report, the financial standing of the prospective adoptive parents, their situation in life and the genuine desire of the prospective adoptive parents to adopt a child, I am persuaded to hold that the prospective adoptive parents are physically fit, financially sound, mentally alert and highly motivated to adopt the child and have the potential to provide a good upbringing to the child. Conversely, I do not find any impediment in allowing the petition.

11. Hence, the petition deserves to be allowed. Thus, the following order:

O R D E R

(i) The petition is allowed in terms of prayer clauses

(a) to (f).

(ii) The child shall not be offered for further adoption.

(iii) Judge's order is signed separately.

(iv) Undertakings are accepted.

The petition stands disposed of in the aforesaid terms.

[N.J. JAMADAR, J.]