

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

**FOREIGN ADOPTION PETITION NO. 17 OF 2020
WITH
JUDGE'S ORDER NO. 98 OF 2020
IN
FOREIGN ADOPTION PETITION NO. 17 OF 2020
Lakshit Minor**

M.S.W.C. Adoption at
M.S.W.C. Asha Sadan Balgruh

.. Petitioner

AND

1. Samuel Pais Lorenzo

2. Yisel Haydee Vinas Rodriguez .. Proposed Adoptive Parents

Mrs. 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 : 27th JANUARY 2021
(IN CHAMBERS)**

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 an affidavit of Mrs.Jaishri Sreedhar, Convener/Authorized Signatory of the petitioner.

2. Perused the report of Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare.

3. The child was born on 3-06-2019. He is a surrendered child. The

child came to be entrusted to the custody of the petitioner vide order dated 7-06-2019 passed by the Child Welfare Committee, Mumbai City-I. After an 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 16-09-2019.

4. The medical examination reports of the child reveal that he is a normal and healthy child. The prospective adoptive parents have perused and understood the contents of the medical reports and are willing to adopt the child. They have countersigned the medical reports.

5. The Central Adoption Resources Authority (CARA) has given no objection to the prospective adoptive parents Mr. Samuel Pais Lorenzo and Mrs. Yisel Haydee Vinas Rodriguez, 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 3-11-2020.

6. The medical certificates of the prospective adoptive parents reveal that none of them suffer from any infectious, contagious, incapacitating or degenerative disease. Both are medically fit to adopt and up-bring the child. The Suitability Social Report for Adoption appraises the prospective adoptive parents as suitable for the adoption of a child. It is, *inter-alia*, recorded that the prospective adoptive parents have satisfactory family support network. The couple's relationship is stable with a great bond,

support and competitiveness between them. They have stable and sufficient income. They have high and adequate motivation for adoption which forced their desire to have their own family. The psychological report of suitability for adoption also evaluates them favourably.

7. A certificate issued by City Council of Candelaria, Spain certifies that the prospective adoptive father Mr. Samuel provides services in the City Council as a Member of the staff with open-term contract. For the year 2016, he has earned income of 23,555.46 Euros and for the year 2017, his income was 22,275.72 Euros. The prospective mother Yisel Haydee Vinas Rodriguez is working with Veturis Travel S.A.. Her yearly income as of June 2017 was 17,000 Euros. The income tax certificates of Mr.Samuel and Mrs. Yisel for the year 2018 are placed on record.

8. The prospective adoptive parents have also tendered a satisfactory child care arrangement. It states that they are entitled to four months' maternity and paternity leave. They are willing to extend the leave of absence with job security so as to facilitate the child to adapt to his new life in Spain.

9. Mr.Ionut Matache and Mrs. Lindsay Vinas Rodriguez, brother and sister-in-law of Mr.Samuel and Mrs.Yisel have furnished an undertaking to look-after, maintain and educate the child to the best of their ability in any unforeseen eventuality.

10. The Foreign Adoption Agency 'NAMASTE' has furnished an undertaking that in case of any disruption of the adoptive family, before the legal adoption can be effected in the receiving country, they shall take care of the child and find a suitable alternative placement for the child with the approval of the authorities including the petitioner.

11. In the backdrop of the aforesaid material, certificates and undertakings, especially the favourable home study and psychological study reports and financial standing of the prospective adoptive parents, their situation in life, and genuine desire of the prospective adoptive parents to adopt a child, I am impelled 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. I do not find any impediment in allowing the petition. Thus, the following order:

ORDER

- (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.]

Shraddha
K.
Talekar

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Shraddha K.
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