

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
AND  
IN ITS GENERAL AND INHERENT JURISDICTION  
  
INDIAN ADOPTION PETITION NO. 53 OF 2021  
WITH  
JUDGE'S ORDER NO. 115 OF 2021**

Bal Anand, Worldchildren Welfare Trust      ...Petitioner  
India

*Versus*

Ritwik Dahake and Tahira Thekaekara      ...Proposed  
Adoptive parents

And Dhriti Avaan (Minor)

.....

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 : 17<sup>th</sup> 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, Dhriti, born on 15<sup>th</sup> March 2019. The biological mother surrendered the child before the Child Welfare Committee, Mumbai Suburban District, on 18<sup>th</sup> March 2019. And on the same day, the girl was handed over to the Petitioner institution, Bal Anand, Mumbai. Later, on 24<sup>th</sup> May 2019, 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 Worli, Mumbai. They are about 41 and 38 years old, having been married for 11 years, with one biological daughter, Zohra Avaan, about 7 years old. Her birth certificate, medical report, and consent letter have been placed on record. The proposed adopters' motivation letter is on record. In its meeting held online 17<sup>th</sup> October 2020, the Adoption Committee recorded that the adoption petition would be filed after the current lockdown was lifted. But as per the current CARA guidelines, the child will be given to the prospective adoptive parents in foster care only after taking an undertaking to that effect.

4. The affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record.

5. The pre-adoption foster care undertaking, dated 02.04.2021, has been placed on record.

6. The adoptive parents' medical reports, dated 13.10.2020, 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. The prospective adoptive father has been working as an Independent freelance researcher (in virology, infectious diseases and public health) for the last five years, with an income of Rs.4,65,040/- (AY 2020-21). His Income Tax Returns for the AYs 2018-19, 2019-20, and 2020-21 have been placed on record. The prospective adoptive mother has been working as a Director, Institutional Development, with World Resources Institute, India, at Bangalore, since June 2016. She draws a gross monthly salary (September-2020) of Rs.5,02,405/- and net salary of Rs. 3,39,745/-. Her salary slips and Income Tax Returns for the AYs 2018-19, 2019-20, and 2020-21, too, have been placed on record. Documents, such as copies of PAN card, AADHAR card, financial affidavit of the adoptive parents have been placed on record, together with proof of residence and other supportive documents.

8. The adoptive parents' declaration of childcare arrangement is on record.

9. A home study report of Part-I, self-assessment and assessment report in Part-II by the authorities of Shishu Mandir, Bengaluru, have also been placed on record. The authorities considered and have found the proposed adoptive parents suitable for adopting a child.

10. Child security undertaking, furnished by the prospective adoptive mother's brother and sister-in-law, residing at Bengaluru, has been placed on record. They offer to look after the minor child if any mishap occurs to the prospective adoptive parents.

11. The minor's health report, dated 23.09.2020, states that the minor is active. She was hospitalized in April 2019 for Hypocalcemic Seizures, but her overall development appears appropriate for her age. The prospective adoptive parents have countersigned this report. Her negative HIV report has also been placed on record.

12. The declaration of consent and undertaking of the prospective adoptive parents are on record.

13. The pre-adoption foster care undertaking, dated 22.10.2020, has been placed on record.

14. The undertaking, dated 12.10.2020, by the Specialized Adoption Agency Shishu Mandir, Bengaluru, for furnishing post adoption follow-up reports has been placed on record

15. The petitioner institution's recognition from the Women and Child Development, Maharashtra State, to place children in adoption is valid until 05.05.2025.

16. 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 12.07.2021, is taken on record and marked-'X' for identification. The additional documents is taken on record and marked-'X-1' for identification.

17. 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 Dhriti Avaan.

(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 Dhriti Avaan, born on 15.03.2019 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 Dhriti to "Dhriti Avaan", born on 15.03.2019."

18. 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.1,50,000/- and submit a report of that investment.

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

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

**[DAMA SESHADRI NAIDU, J.]**

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