

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

INDIAN ADOPTION PETITION NO. 52 OF 2021
WITH
JUDGE'S ORDER NO. 114 OF 2021**

St. Catherines Home

...Petitioner

Versus

Srinivasa H. R. and Poornima R.

...Proposed
Adoptive parents

And S. Aadhya (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.

.....

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 17th 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, Niyati, born on 16 January 2020. The child was admitted into the Petitioner Institution, St. Catherine's Home, Andheri, Mumbai, on 31/01/2020. It was as per the order, dated 31/01/2021, of Child Welfare Committee (II), Mumbai Suburban District, Mumbai, under the provisions of J.J. Act, 2015. Thereafter, on 09.02.2021, the biological mother executed a Deed of Surrender before the Child Welfare Committee, for the child's permanent rehabilitation. The admission order, dated 31/01/2020, is on record. Later, on 12 April 2021, 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 Bangalore. They are about 45 and 44 years old, having been married for 16 years, with no biological child. The proposed adopters' motivation letter is on record. In its meeting held online on 11th May 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 Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record.

5. The prospective adoptive father is self-employed (Freelancer in the Construction Industry; he undertakes building plans, estimation and drafting). His income for AY 2020-21 is Rs.1,77,750/-. The prospective adoptive mother is a homemaker. Financial documents, such as income affidavit and Tax returns of the adoptive father and copies of PAN card, AADHAR card, and other supportive financial documents of the adoptive parents, have been placed on record.

6. The adoptive parents' medical reports, dated 08.05.2021, 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. A home study report of Part-I, self-assessment and assessment report in Part-II by Social Worker of St. Michael's Home/Convent, Bangalore, have also been placed on record. The authorities considered and have found the proposed adoptive parents suitable for adopting a child.

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

9. The minor's health report, dated 20.04.2021, states that the minor is a normal child. The prospective adoptive parents have countersigned that report. Her negative HIV report has also been placed on record.

10. The adoptive parents' declaration of consent, willingness, and undertaking have been placed on record.

11. The pre-adoption foster care affidavit, dated 12.05.2021, is on record.

12. The undertaking, dated 13.05.2021, by the Specialized Adoption Agency "St. Michael's Home/Convent", Bangalore, 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 05.05.2025.

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 09.07.2021, is taken on record and marked-'X' for identification.

15. 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 S. Aadhya.

(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 S. Aadhya, born on 16.01.2020 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 Niyati to “S. Aadhya”, born on 16.01.2020.”

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 Niyati.

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.