

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

INDIAN ADOPTION PETITION NO. 55 OF 2021
WITH
JUDGE'S ORDER NO. 118 OF 2021**

St. Catherine's Home

...Petitioner

Versus

Udaykumar A. Saunshi and Anr.

...Proposed
Adoptive parents

.....

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 : 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 boy, Sonu, born on 04th September 2019. The biological mother surrendered the child before the Child Welfare Committee

II, Mumbai Suburban District, Government of Maharashtra on 27th February 2020. And on the same day, the boy was handed over to the Petitioner institution, St. Catherine's Home, Mumbai. Later, on 24th June 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 Bangalore. They are about 41 and 39 years old, having been married for 12 years with no biological child. The proposed adopters' motivation letter has been placed on record. In its meeting held online on 25th 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 Chief Functionary of the Specialized Adoption Agency (Petitioner) is on record.

5. Medical reports, dated 27.02.2021, of the adoptive parents show that they are healthy and fit to adopt the child. Along with their negative HIV and other test reports, those medical reports, too, have also been placed on record.

6. The prospective adoptive father has been working as Senior Manager, Projects (Technical), with Utthunga Technologies Private Ltd., Bangalore, since 22.08.2018, with a gross monthly salary of Rs.1,09,354/-; the prospective adoptive mother has been working as an Associate Manager-FCC-Training, with Standard Chartered Global Business Private Limited, Bangalore, since 02.11.2017, with a gross monthly salary of Rs.72,592/-. Financial documents, such as salary slips, copies of PAN card, AADHAR card, income tax returns of the adoptive parents, have been placed on record, together with other supportive documents.

7. The childcare arrangement undertakings of the adoptive mother and her mother-in-law has been placed on record.

8. A home study report of Part-I, self-assessment and assessment report in Part-II by the Social Worker of Shishu Greh, Amulya (G) Bangalore, have also been placed on record. The authorities considered and have found the proposed adoptive parents suitable for adopting a child.

9. Child security undertaking, dated 03.03.2021, furnished by the prospective adoptive father's 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.

10. The minor's health report, dated 18.02.2021, states that the child is normal. That report has been countersigned by the adoptive parents and his negative HIV report has also been placed on record. The declaration of consent, willingness, and undertaking of the prospective adoptive parents have been placed on record.

11. The pre-adoption foster care affidavit dated 11.03.2021 has been placed on record.

12. The undertaking, dated 15.03.2021, by the Specialized Adoption Agency Shishu Greh, Amulya (G) 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 14.07.2021, 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 Thejas U. Saunshi.

(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 Thejas U. Saunshi, born on 04.09.2019 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 Sonu to “Thejas U. Saunshi”, born on 04.09.2019.”

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.2,00,000/- 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 Sonu.

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

[DAMA SESHADRI NAIDU, J.]

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