

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

**INDIAN ADOPTION PETITION NO. 54 OF 2021
WITH
JUDGE'S ORDER NO. 117 OF 2021**

Bal Anand, Worldchildren Welfare Trust ...Petitioner
India

Versus

Sameer Suresh Vora and Anr. ...Proposed
Adoptive parents

And Rishabh Sameer Vora (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 : 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, Malhar, born on 16th July 2020. The biological mother surrendered the child before the Child Welfare Committee, Mumbai Suburban District, on 22nd July 2020. And on the same day, the Committee handed over the child to the Petitioner institution: Bal Anand, Mumbai. Later, on 7th December 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 Mulund, Mumbai. They are about 40 and 41 years old, having been married for six years, with no biological child. The proposed adopters' motivation letter is on record. In its meeting held online on 15th March 2021, 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 prospective adoptive father has been working as a Credit and Collections Manager with Crayon Software

Experts India Pvt. Ltd., Mumbai, since 17.09.2018, drawing a gross monthly salary of Rs.80,800/-; the prospective adoptive mother is a homemaker. Financial documents, such as salary slips, Employment and Salary increment letter of the prospective adoptive father and copies of PAN card, AADHAR card, besides the adoptive parents' financial affidavit, have been placed on record. The proof of residence and other supportive documents, too, are on record.

6. Adoptive parents' medical reports, dated 22.02.2021, 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 the Family Service Centre, Colaba, Mumbai, have also been placed on record. The authorities considered and have found the proposed adoptive parents suitable to adopt a child.

8. Child security undertaking, furnished by the prospective adoptive father's cousins, residing at Chembur, Mumbai, 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 14.01.2021, countersigned by the adoptive parents, states that the child is an active and playful. His growth and development are appropriate for his age. The minor's negative HIV report has also been placed on record, along with the declaration of consent and undertaking of the prospective adoptive parents.

10. The pre-adoption foster care affidavit, dated 02.04.2021, has been placed on record.

11. The undertaking, dated 03.06.2021, to send the follow up report by the Specialized Adoption Agency "Family Service Centre", Colaba, Mumbai, for furnishing post adoption follow-up reports has been placed on record.

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

13. 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 11.07.2021, is taken on record and marked-'X' for identification.

14. 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 Rishabh Sameer Vora.

(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 Rishabh Sameer Vora, born on 16/07/2020 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 Malhar to “Rishabh Sameer Vora”, born on 16/07/2020.”

15. 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.

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

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

[DAMA SESHADRI NAIDU, J.]

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