

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

INDIAN ADOPTION PETITION NO. 60 OF 2021
WITH
JUDGE'S ORDER NO. 131 OF 2021**

St. Catherine Home

...Petitioner

Versus

Santosh Baban Mahake and Sayali Santosh
Mahake

...Proposed
Adoptive parents

Durva Santosh Mahake (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 : 29th 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, Mayara,
born on 14th October 2020. The biological mother

surrendered the child before the Child Welfare Committee II, Mumbai Suburban District, on 03rd November 2020. And on the same day, the girl was handed over to the Petitioner institution, St. Catherine's Home, Mumbai. Later, on 27th January 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 Andheri, Mumbai. They are about 47 and 42 years old, having been married for 23 years with no biological children. The proposed adopters' motivation letter has been placed on record. In its meeting held online on 15th March 2021, the Adoption Committee recorded that the prospective adoptive parents are suitable 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 (Applicant) has been placed on record.

5. Medical reports, dated 22nd March 2021, of the adoptive parents show that they are physically and mentally fit for adopting 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 an Accounts Executive with Greenland (America) Inc. Worli, Mumbai, since 03.02.2020, with a monthly salary of Rs.47,500/-The prospective adoptive mother is a homemaker. The adoptive father's salary slips and income tax returns have been placed on record. Documents such as copies of PAN card, AADHAR card, and other financial documents have been placed on record.

7. A home study report of Part-I, self-assessment and assessment report in Part-II by the Petitioner institution St. Catherine's Home, Andheri, Mumbai have also been placed on record. Based on the interviews and interactions, the social worker feels that the prospective adoptive parents are emotionally equipped and can take care of the child's physical, emotional, and psychological needs. He has endorsed their plea for adoption.

8. The child security undertaking, dated 24th March 2021, furnished by the prospective adoptive father's nephew, residing at Malad, Mumbai, has been placed on record. He offers to look after the minor child if any mishap occurs to the prospective adoptive parents.

9. The pre-adoption foster care undertaking, dated 24.03.2021, has been placed on record.

10. The minor's health report, dated 05.02.2021, states that minor is normal. That report has been countersigned by the prospective adoptive parents. The child's negative HIV report has also been placed on record. The prospective adoptive parents' consent, willingness, and undertaking are on record.

11. Regarding the change of name, the prospective adoptive parents desire that the minor 'Mayara' be renamed as 'Durva Santosh Mahake'.

12. The undertaking, dated 06th April 2021, by the St. Catherine's Home, Andheri, Mumbai", 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 until 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 12.07.2021, 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 Durva Santosh Mahake.

(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 Durva Santosh Mahake, born on 14.10.2020 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 MAYARA to “Durva Santosh Mahake” born on 14.10.2020.

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 Mayara.

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

[DAMA SESHADRI NAIDU, J.]

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