

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

INDIAN ADOPTION PETITION NO. 63 OF 2021
WITH
JUDGE'S ORDER NO. 120 OF 2021**

St. Catherine Home

...Petitioner

Versus

Sumeet Kamalkishor Jajoo and Anr. -
Shreeja Sumeet Jajoo (Minor)

...Proposed
Adoptive parents

....

Mr. Rakesh Kapoor, i/by Rakesh K. L. Kapoor & Co. - 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 : 05th AUGUST 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, Joya, born on 30th December 2020. The child was admitted to Asha Foundation, Kandivali, Mumbai, on 05th January 2021, as per the order, dated 05th January 2021, of Child Welfare Committee, Mumbai Suburban District-II, Mumbai, under the provisions of J.J.Act, 2015. After that, the biological mother executed a deed of surrender before the Child Welfare Committee, Mumbai City II, Mumbai Suburban District, on 13th January 2021. And on the same day, the minor was handed over to the Petitioner institution, St. Catherine's Home, Mumbai, for the child's future rehabilitation. The admission and transfer orders have been placed on record. Later, on 18th March 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 Nanded, Maharashtra. They are about 35 and 34 years old, married for 09 years with one biological son, aged about 6 ½ old. His birth certificate, consent and medical reports have been placed on record. The proposed adopters' motivation letter has been placed on record. In its meeting held online on 18th April 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. The adoptive parents' medical reports, dated 12th April 2021, show that they are medically 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 practising Chartered Accountant, with income for the assessment year 2020-21 of Rs. 4,15,925/-. The prospective adoptive mother is also self-employed (business of ladies garments from home), with income for the assessment year 2020-21 of Rs. 4,79,287/-. The prospective adoptive parents' income/employment affidavits 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. The childcare arrangement plan 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 Smt. Narsabai Mahila Mandal's Shishugruh, Wadgaon, Nanded have also been placed on record. It states that the prospective adoptive parents are in a good physical and emotional state to take care of a child. They are financially sound to welcome another member into their

family. After all assessment, the social worker considered and found the adoptive couple capable of parenting a girl child between the age ground of 0-2 years as per their desire.

9. The child security undertaking, dated 12th April 2021, furnished by the prospective adoptive father's brother and sister-in-law, residing at Akola, Maharashtra, has been placed on record. He offers to look after the minor child if any mishap occurs to the prospective adoptive parents.

10. The minor's health report, dated 24th March 2021, states that the minor is a normal child. The prospective adoptive parents have countersigned that report. 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 'Joya' be renamed as 'Shreeja Sumeet Jajoo'.

12. The pre-adoption foster care undertaking, dated 12th April 2021, has been placed on record.

13. The undertaking, dated 09th April 2021, by the Specialized adoption agency Smt. Narsabai Mahila Mandal's Shishugruh, Wadgaon, Nanded, for furnishing post-adoption follow-up reports has been placed on record.

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

15. 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 18.07.2021, is taken on record and marked-'X' for identification.

16. 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 Shreeja Sumeet Jajoo.

(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 a Birth Certificate in the name of the said minor Shreeja Sumeet Jajoo, born on 30.12.2020 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

JOYA to “Shreeja Sumeet Jajoo”, born on 30.12.2020.

17. 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.

18. Today, this Court has also signed a separate Judge’s Order appointing the prospective adopters as adoptive parents of minor Joya.

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

[DAMA SESHADRI NAIDU, J.]

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