

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

INDIAN ADOPTION PETITION NO.66 OF 2021

ALONG WITH

JUDGE'S ORDER NO.136 OF 2021

M.S.W.C. Asha Sadan Balgruh

Through Ms. Jayalakshmy K.

.. Petitioner

Vs.

Rajesh R. Kolekar and Trupti R. Kolekar

.. Co-Petitioners /
Adoptive Parents

And

Danish @ Vignesh Rajesh Kolekar

.. Minor

Ms. Varsha Bhogle-Deshmukh for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer of ICSW, is present.

Mr. A.J. Kesarkar, 2nd Master is present.

CORAM : A. K. MENON, J.

DATE : 16TH SEPTEMBER, 2021.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. In this petition, filed under Section 58(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (*Juvenile Justice Act*), the petitioner seeks appointment of the co-petitioners Rajesh Kolekar and Trupti Kolekar as adoptive parents of the minor male child Danish now named Vignesh, presently in the care of Asha Sadan Balgruha, Umerkhadi, Mumbai and in

foster care with the said prospective adoptive parents and for usual consequential reliefs of change of name, issuance of birth certificate and to remove the child outside the jurisdiction of this court to reside with them.

2. The Indian Council of Social Welfare (*ICSW*) has filed its report through the Scrutiny Officer Mr. O. Hareendran, which sets out that the child was born to the biological mother in January, 2020. She executed Deed of Surrender on 2nd March 2020 for permanent rehabilitation of the child. The said custody order has been passed in an inquiry made under Section 20A of the Juvenile Justice Act, resulted in the minor being declared legally free for adoption in August, 2020.

3. The prospective adoptive parents are residents of Ratnagiri, Maharashtra and have no biological children. They have interacted with the child and the prospective adoptive parents are found eligible to adopt the minor. The ICSW report is positive as to the occupation of the proposed adoptive father, having scrutinized his income tax returns and income levels. The prospective adoptive parents have filed necessary documents and have undergone medical examinations. The Advocate for the petitioner has also submitted true copies of the proof of emoluments paid to the prospective adoptive father by way of salary slips, the prospective adoptive father is being employed as District Malaria Officer, Ratnagiri.

4. I also had occasion to peruse the minutes of the Adoption Committee Meeting held in May, 2021, which was held virtually owing to the pandemic driven lock-down. The safe custody order is also in place, so is the certificate declaring child legally free for adoption. The medical reports have been perused and were found unremarkable. The prospective adoptive parents have an housing loan in respect of property purchased. Meanwhile, they appear to be well settled in rental accommodation. Nothing on record indicates that they are not entitled to adopt the child, as proposed.

5. In view thereof and having heard learned counsel for the petitioner, co-petitioners and the Scrutiny Officer, as also having perused the record, I have today allowed the petition in terms of prayer clauses (a) to (c).

6. The Judge's Order is signed separately.

(A. K. MENON, J.)