

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

INDIAN ADOPTION PETITION NO. 62 OF 2021
WITH
JUDGE'S ORDER NO. 125 OF 2021

Shree Manav Seva Sangh

...Petitioner

Versus

Kiran Dattatray Gholap and Anr.

...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 boy, Omkar,
born on 08th July 2020. The biological mother surrendered the

child before the Child Welfare Committee, Mumbai City II, on 22nd July 2020. And on the same day, the boy was handed over to the Petitioner institution, Shree Manav Seva Sangh, Mumbai. Later, on 25th September 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 residing in Nashik. They are about 49 and 46 years old, married for 12 years, with no biological children. The proposed adopters' motivation letter has been placed on record. In its meeting held online on 12th 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. The adoptive parents' medical reports, dated 25th February 2021, 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 a Physical instructor with Kid'z Academy, Sinnar, Nashik, since

01.04.2018, with a monthly gross salary of Rs. 15,000/-. The prospective adoptive mother has been working as an Assistant Teacher at Sarasvati Vidyamandir, Deolali Camp, Nashik, since 1996, with a monthly gross salary of Rs. 88,454/- (Net Salary Rs. 56,999/-). The adoptive parents salary certificate, employment certificate of the adoptive father and form no. 16 of the adoptive mother 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 declaration 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 Adharashram, Nashik, have also been placed on record. It states that the prospective adoptive parents are physically and financially capable of adopting the child and well prepared for adoption. After all assessments, the social worker recommended the couple adopt a child above two years old.

9. The child security undertaking, dated 25th February 2021, furnished by the prospective adoptive father's cousin brother, residing at Nashik, has been placed on record. He offers to look after the minor child if any mishap occurs to the prospective adoptive parents.

10. The pre-adoption foster care undertaking, dated 25th February 2021, has been placed on record.

11. The minor's health report, dated 19th October 2020, states that the minor is normal. 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 and undertaking are on record.

12. Regarding the change of name, the prospective adoptive parents want the minor 'Omkar' to be renamed 'Ganesh Kiran Gholap'.

13. The undertaking by the Specialized Adoption Agency "Adharashram", Nashik, 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 07.03.2024.

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 29.07.2021, 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 Ganesh Kiran Gholap.

(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 Ganesh Kiran Gholap, born on 08.07.2020 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 OMKAR to “Ganesh Kiran Gholap”, born on 08.07.2020.

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.1,00,000/- 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 Omkar.

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

[DAMA SESHADRI NAIDU, J.]

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