

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

INDIAN ADOPTION PETITION NO. 64 OF 2021
WITH
JUDGE'S ORDER NO. 128 OF 2021**

Shree Manav Seva Sangh

...Petitioner

Versus

Ajit Arun Wagre and Anr.

...Proposed

Sharvil Ajit Wagre (Minor)

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, Abhishekh, born on 24th December 2020. The biological mother surrendered the child before the Child Welfare Committee, Mumbai City II, on 30th December 2020. And on the same day, the boy was handed over to the Petitioner institution, Shree Manav Seva Sangh, Mumbai. Later, on 17th 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 residing in New Panvel, District Raigad. They are about 51 and 48 years old, married for five years, with no biological children. The prospective adoptive father had been married earlier, but his wife passed away on 10th December 2014. The death certificate of his late wife has been placed on record. The prospective adoptive mother, too, had been married earlier. And her husband passed away on 08th September 2014. The death certificate of her late husband has also been placed on record. The proposed adopters' motivation letter has been placed on record. In its meeting held online on 07th May 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 22nd April 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 Stenographer-Marathi with Thane Municipal Corporation, Thane, since May 2002, with a monthly gross salary of Rs. 68,094/-. The prospective adoptive mother has been working as a Primary Teacher with Reliance Foundation School, Nagothane, District Raigad, with a monthly gross salary of Rs. 66,690/-. Payslips and Income tax returns of the adoptive parents have been placed on record. Documents such as copies of PAN card, AADHAR card, and other financial documents, along with proof of residence, have been placed on record.

7. The child care arrangement plan and undertaking have 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 Vatsalya Trust, Alibag, District Raigad have also been placed on record. The authority considered and found prospective adoptive parents suitable to adopt a healthy boy child between 2 to 4 years as per their desire.

9. The child security undertaking, dated 03rd May 2021, furnished by the prospective adoptive father's cousin and sister-in-law, residing at Kalwa, District Thane, 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 15.03.2021, 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.

11. The pre-adoption foster care undertaking, dated 02nd May 2021, has been placed on record.

12. Regarding the change of name, the prospective adoptive parents desire that the minor 'Abhishek' be renamed as 'Sharvil Ajit Wagle'.

13. The undertaking, dated 07th May 2021, by the Specialized Adoption Agency "Vatsalya Trust," Alibag, District Raigad, 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 25.07.2021, 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 Sharvil Ajit Wagre.

(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 Sharvil Ajit Wagre, born on 24.12.2020 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 ABHISHEKH to “Sharvil Ajit Wagre”, born on 24.12.2020.

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.1,00,000/- 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 Abhishekh.

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

[DAMA SESHADRI NAIDU, J.]

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