

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

INDIAN ADOPTION PETITION NO. 61 OF 2021
WITH
JUDGE'S ORDER NO. 123 OF 2021**

Shree Manav Seva Sangh

...Petitioner

Versus

Arul Dias and Anr.,

...Proposed

AIDEN Arul Dias (Minor)

Adoptive parents

.....

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 boy, Aarush,
born on 03rd August 2020. The biological mother

surrendered the child before the Child Welfare Committee, Mumbai City I, on 7th September 2020. And on the same day, the boy was handed over to the Petitioner institution, Shree Manav Seva Sangh, Mumbai. Later, on 23rd November 2020, 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 Ambernath, District Thane. They are about 43 and 38 years old, having been married for 14 years with no biological children. The proposed adopters' motivation letter has been placed on record. In its meeting held online on 01st 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 16th February 2021, show that they are physically and mentally fit to adopt 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 Analyst with WTW Global Delivery and Solutions India Pvt. Ltd., Vikhroli, Mumbai, since 02.11.2016, with a monthly gross salary of Rs.47,965/-. The prospective adoptive mother is working as an Assistant Manager-Administration with SITI Networks Limited, Mumbai, since 30.10.2006, with a monthly gross salary of Rs.49,375/-. Salary slips, income tax returns, and Form No. 16 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 childcare arrangement plan declaration/undertaking by the prospective adoptive mother and her mother has been placed on record.

8. Home study report of Part-I, self-assessment and assessment report, dated 17.11.2018, in Part-II by the social worker of Family Service Centre, Colaba, Mumbai, have also been placed on record. The authorities considered and have found the prospective adoptive parents fit to adopt the child.

9. Child security undertaking, dated 17th February 2021, furnished by the prospective adoptive mother's sister,

residing at Bhandup, Mumbai, has been placed on record. They offer to look after the minor child if any mishap occurs to the prospective adoptive parents.

10. The pre-adoption foster care undertaking, dated 16.02.2021, has been placed on record.

11. The minor's health report, dated 24.12.2020, states that minor is at present mentally and physically 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.

12. Regarding the change of name, the prospective adoptive parents desire that the minor 'Aarush' be renamed as 'Aiden Arul Dias'.

13. The undertaking, dated 25th February 2021, by the Specialized Adoption Agency "Family Service Centre", Colaba, Mumbai, 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 14.07.2021, 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 Aiden Arul Dias.

(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 Aiden Arul Dias, born on 03.08.2020 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 AARUSH to “Aiden Arul Dias” born on 03.08.2020.

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 Aarush.

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

[DAMA SESHADRI NAIDU, J.]

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