

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

FOREIGN ADOPTION PETITION NO. 23 OF 2021
WITH
JUDGE'S ORDER NO. 127 OF 2021

Children of the World India Trust ...Petitioner

Versus

Vivek Kishor Bhavsar and ...Proposed
Nehal Suresh Vora and Adoptive
Zara Vivek (Minor) 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.

.....

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 foreign adoption petition proposes the adoption of minor Adhira, born on 09th October 2020. The biological mother surrendered the child before the Child Welfare Committee, Thane, Maharashtra, on 11th November 2020. And on the same day, the girl was handed over to the Petitioner institution: Children of the World India Trust's Vishwabalak Kendra, Nerul, Navi Mumbai. It was as per the order of Child Welfare Committee, Thane, dated 11th November 2020, under the Juvenile Justice (Care and Protection of the Children) Act, 2015. The admission order, dated 11th November 2020, has been placed on record. Later, on 16th January 2021, the Child Welfare Committee inquired and passed the 'legally free for adoption' order under Section 38 of the same Act. The order is placed on record.

3. On 31st March 2021, the Central Adoption Resource Authority (CARA), New Delhi, issued a No Objection Certificate to the proposed adoption. It is as per the applicable Adoption Regulations 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption, 1993.

4. The undertaking/affidavit by the Petitioner institution in support of the child adoption, too, has been placed on record.

5. The proposed adoptive parents are Indians, residing at Dubai, U.A.E. They are about 38 and 36 years old, having been married for five years with no biological children. The proposed adopters' motivation letter has been placed on record. It states that the adoptive mother's childhood dream to adopt a girl child; the adoptive father also has a strong desire to adopt a girl child even if he were to raise the child on his own.

6. The prospective adoptive parents' medical reports, dated 15th March 2021, are on record; they reveal that they are in good health and have no communicable or infectious diseases which may interfere with their ability to adopt a child. They are fit to adopt a child. All their medical reports, including their negative HIV reports, have also been placed on record.

7. Since 23rd March 2014, the prospective adoptive father has been working as an Associate, Consulting Division with Jones Lang LaSalle, UAE Ltd Dubai, UAE, with a monthly salary of AED 33,038. The prospective adoptive mother has been working as a Sales Learning Manager-MEA with Hilton Worldwide Services Limited, since 04th June 2018, with a monthly salary of AED 25,816.67. Their Income and Employment certificates have been placed on record. Also placed on record are the Bank reference and

financial declaration, along with adoptive parents' residence proof.

8. The proposed adoptive parents' childcare arrangement plan declaration has also been placed on record.

9. Home study report of Part-I, self-assessment and assessment report in Part-II, Home study reports, dated 21/05/2018 and 21/03/2021, by the Mrs. Omana Menon, Social Worker, Dubai, U.A.E. (Authorized by CARA) have been placed on record. The reports indicate that the prospective adoptive parents are well motivated to adopt; they are financially sound and have a good personal and professional background. After a thorough assessment, the social worker is confident that the couple will raise the child with lots of love and care. They have all the qualities of good parents; so the social worker has strongly recommended their adopting a healthy, normal girl below two years age. Along with the home study report, the adoptive parents' psychological evaluation reports, dated 01/04/2018 and 04/04/2018, have also been placed on record. The reports reveals that the adoptive parents are psychologically and emotionally stable and have balanced personalities and necessary qualification to adopt the child.

10. Child security undertaking, dated 09th March 2021, furnished by the prospective adoptive father's brother and sister-in-law, residing in Dahisar, Mumbai, has been placed on record. They offer to look after the minor if any mishap occurs to the prospective adoptive parents.

11. Adhira's medical examination report, dated 18th January 2021, countersigned by the adoptive parents, is on record. On its "over all observation", the minor is normal for her age. The child's negative HIV report has also been placed on record.

12. The minor's post-card-size photograph and joint family photograph, copies of the proposed adopters' passports have been placed on record.

13. Regarding the change of name, the proposed adopters' desire that minor 'Adhira' be renamed as 'Zara Vivek Bhavsar'.

14. The proposed adopters have signed the declaration of willingness and undertaking to permit the social worker's home visit and submit post-adoption follow-up reports.

15. I have seen on record the undertaking, dated 21th May 2018, of Mrs. Omana Menon, Social Worker, Dubai, U.A.E. (Authorized by CARA), to provide the minor's post

adoption follow-up report. It also agrees to make alternative arrangement if there is any disruption in the adoptive family.

16. The copy of Special Power of Attorney duly signed by the proposed adoptive parents favouring the Petitioner Institution has been placed on record.

17. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State, to place children in adoption is valid until 05/07/2025.

18. 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 16.07.2021, is taken on record and marked-'X' for identification.

19. The petition is, accordingly, allowed in terms of prayer clauses (a) to (e):

“(a) For the Adoption of the proposed female minor Zara Vivek Bhavsar, born on 9th October, 2020 by the proposed Adopters under Section 59 (7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor Zara Vivek Bhavsar, now in the care and custody of Children of the World India Trust,

Vishwabalak Kendra, Plot No. 9 and 10,
Sector-12 Nerul, Navi Mumbai – 400 706.

(c) That the Proposed adopters be allowed to change the name of the said minor ADHIRA to Zara Vivek Bhavsar.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Zara Vivek Bhavsar.

(e) That the Proposed Adopters may be granted leave to remove the said minor Zara Vivek Bhavsar from the jurisdiction of this Hon'ble Court and to take the said minor to U.A.E. or wherever they may reside in future.”

20. Besides all the above, the Petitioner institution should obtain an additional undertaking from the adoptive parents affirming that they will not give the minor in further adoption without this Court's prior leave. Once this undertaking is secured, it shall be filed on the Court's record.

21. Today, this Court has also signed a separate Judge's Order appointing the prospective adopters as adoptive parents of minor Adhira.

22. The Adoption petition is disposed of in the aforesaid terms.

[DAMA SESHADRI NAIDU, J.]

Privacy Warning: No part of this order shall be uploaded on any public domain or portal without this Court's express permission.