

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

**INDIAN ADOPTION PETITION NO. 7 OF 2021
WITH
JUDGE'S ORDER NO. 13 OF 2021
IN
INDIAN ADOPTION PETITION NO. 7 OF 2021**

Bal Vikas, Shishu Welfare Trust of India,
Mumbai

.. Petitioner

And

1. Kedar Rajaram Virkar
2. Medha Kedar Virkar

.. Prospective Adoptive Parents

Mr. Rakesh Kapoor i/b Rakesh K.L. Kapoor & Co. for petitioner.

Mr.O. Hareendran, Representative of ICSW present.

Mr. Arun Kesarkar, 2nd Asstt. Master present.

CORAM : N.J. JAMADAR, J.

**DATE : 17th FEBRUARY 2021
(IN CHAMBERS)**

PC.

1. This petition under section 56 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as 'the Act, 2015') is preferred by Bal Vikas, Shishu Welfare Trust of India, Mumbai, a specialized adoption agency. The petitioner seeks an order permitting adoption of a female child born on 6th October 2016, and entrusted to its custody by an order dated 11th October 2019 by the Child Welfare Committee (II), Mumbai Suburban District. The petition is supported by an

affidavit of Ms. Prabha Dhimmarr, Authorized Signatory/Social Worker of the petitioner.

2. Perused the report Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare.

3. The child was found abandoned at Goregaon (East), Mumbai. After the child was entrusted to the custody of the specialized adoption agency, the steps were taken under Section 40 of the Act to restore the child but to no avail. Thus, after an enquiry envisaged under section 38 of the Act, 2015, the Child Welfare Committee has declared the child legally free for adoption by order dated 13th March 2019.

4. The Adoption Committee, in its meeting held on 2nd October 2020, has approved the proposal of Mr.Kedar Rajaram Virkar and Mrs. Medha Kedar Virkar, the prospective adoptive parents to adopt the child. The Committee found that the prospective adoptive parents are suitable to adopt the child.

5. The child study and medical examination reports reveal that the child is developmentally normal. The child is active, happy and content. The HIV test of the child is non-reactive. The prospective adoptive parents have perused and understood the contents of the medical examination reports of the child and have shown willingness to accept the child as their adoptive child.

6. The marriage of the prospective adoptive parents was solemnized on 15th May 2005. The prospective adoptive parents have no biological issue. The letter of motivation reveals that despite earnest efforts, they could not succeed in having biological child. They, thus, decided to adopt the child and complete the family. The prospective adoptive parents have been certified to be mentally and physically fit. The prospective adoptive mother is suffering from Type-2 Diabetes and she is on medication. Their HIV tests are negative.

7. Mr.Kedar Virkar, the prospective adoptive father, is employed as a Senior Engineering Manager-Highways with HGC Constructions Private Limited. The salary slips for the months of June, July and August 2020 indicate that the net pay was Rs.1,64,925/-. The income tax returns of Mr. Kedar for the assessment years 2018-2019, 2019-2020, and 2020-2021 are placed on record. Mrs.Medha, the prospective adoptive mother is a homemaker. The overall financial position of the prospective adoptive parents appears to be stable and secure.

8. The home study evaluates the prospective adoptive parents favourably. It found the prospective adoptive parents well educated, well mannered, soft spoken, mature and responsible individuals. They have a strong marital bond. They are physically and mentally capable to take care of adopted child. They are financially sound. They also have strong family

support. The decision of the prospective adoptive parents to adopt the child seems to have been well received by their family and friends. The testimonials are placed on record.

9. Mr.Kaushik S. Joshi and Mrs. Rasika K. Joshi, brother and sister-in-law of the prospective adoptive mother Mrs. Medha Virkar have furnished an undertaking to look after, maintain and educate the child in an unforeseen eventuality.

10. In the backdrop of the aforesaid material on record, especially the home study report, the situation in life of the prospective adoptive parents, their social and financial standing, level of motivation and overall disposition, I am of the considered view that the prospective adoptive parents are physically fit, mentally alert and highly motivated to adopt the child and have the potential to provide a good upbringing to the child. Thus, the petition deserves to be allowed.

11. Hence the following order :

O R D E R

- (i) The petition is allowed in terms of prayer clauses (a) to (d).
- (ii) The child shall not be offered for further adoption.
- (iii) Undertakings are accepted.

Shraddha
K.
Talekar

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Shraddha
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(iv) Judge's order is signed separately.

The petition stands disposed of in the aforesaid
terms.

[N.J. JAMADAR, J.]