

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 2 OF 2021
WITH
JUDGE'S ORDER NO. 5 OF 2021
IN
FOREIGN ADOPTION PETITION NO. 2 OF 2021**

Avani @ Ariana Priyesh Shah.... Minor

M.S.W.C. Adoption Group
And

.. Petitioner

1. Priyesh Shah

2. Toral Dodhia Shah

.. Prospective Adoptive Parents

Ms. Dipal Sanjanwala Mehta for petitioner.

Mr.O. Hareendran, Representative of ICSW present.

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

CORAM : N.J. JAMADAR, J.

DATE : 13th JANUARY 2021

PC.

1. The petition is for an inter-country adoption of a minor female child, born on 1st February 2019, under section 59(7) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as 'the Act, 2015'). The petition is supported by the affidavit of Mrs. Jaishri Sreedhar, the convener of the petitioner.

The report of Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare is taken on record and considered.

2. The minor is an abandoned child. She was found by the Railway Police at Chhatrapati Shivaji Maharaj Terminus, Mumbai on 14th April 2019. She was admitted in the petitioner-institution on the very day

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pursuant to the order of the Child Welfare Committee, Mumbai City. Post an enquiry envisaged under section 38 of the Act, 2015, the Child Welfare Committee has declared the child legally free for adoption by its order dated 13th November 2019.

3. The medical examination reports of the child reveal that the child is a normal healthy child. The prospective adoptive parents have perused and understood the contents of the medical reports and are willing to accept the child as their adoptive child.

4. The prospective adoptive parents are Kenyan nationals of Indian origin. They are OCI card holders. They have no biological child. The medical reports of the prospective adoptive parents reveal that they are fit, healthy and free from any disease.

5. The Central Adoption Resources Authority (CARA) has given no objection to the prospective adoptive parents under Adoption Regulations Act, 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption, 1993. The Department of Children Services, Ministry of East African Community, Labour and Social Protection, Nairobi, Kenya has given permission to the prospective adoptive parents to proceed with the adoption process in India vide letter dated 7th November 2017. Vide letter dated 4th May 2020, the Director of Children's Services, State Department of Social Protection,

Ministry of Labour and Social Protection, has committed to provide post adoption follow-up.

6. The prospective adoptive parents have been married for 17 years. They have a strong urge to adopt a child and provide the child with a loving home and family. They appear to be well placed in life. The prospective adoptive father is the Executive Officer of Kensta Group Nairobi, Kenya. The Income Tax returns and Tax Deduction Cards for the years 2016, 2017, 2018 and 2019 reveal that the prospective father has sumptuous income. The prospective mother is a Director and Shareholder of Bingwa Distributors Ltd., Nairobi. The Income Tax Returns and Deduction Cards for the years 2017, 2018 and 2019 reveal that the prospective mother also has adequate income. The certificate of incumbency issued by Mauritius International Trust Company Limited reveals the stock holdings of the prospective father.

7. The Home Study Report furnished by the Director of Children's Services, Republic of Kenya, reveals that the adoptive couple appear to be child friendly, financially stable and in a position to take up the parental responsibility. The Psychological Evaluation Report also reveals that the prospective adoptive parents are ready and prepared to take up their parental roles and responsibilities with love, care and efficiency and nothing adverse was found to express reservations about their ability to

adopt, provide and nurture the child.

8. The prospective adoptive parents have also submitted a satisfactory child care arrangement for the child. Mr. Darshan Dodhia and Ms. Priyal Mehta, the brother in-law and sister of the prospective adoptive mother Mrs. Toral Priyesh Shah have submitted a child security arrangement undertaking. They have undertaken to take the responsibility of the child in an unforeseen eventuality.

9. The aforesaid material, certificates and undertakings, especially the documents which vouch for the urge of the prospective adoptive parents to adopt a child, their, situation in life, financial standing, and underscore the genuine desire of the prospective adoptive parents to adopt a female child, persuade me to hold that the prospective adoptive parents are physically fit, financially sound, mentally alert and highly motivated to adopt the child and have the potential to provide a good upbringing to the child. I do not find any impediment in allowing the petition. Thus, the following order:

ORDER

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

- (iii) Judge's order is signed separately.
- (iv) Undertakings are accepted.

The petition stands disposed of in the aforesaid terms.

[N.J. JAMADAR, J.]