

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

INDIAN ADOPTION PETITION NO. 8 OF 2021
WITH
JUDGE'S ORDER NO. 12 OF 2021
IN
INDIAN ADOPTION PETITION NO. 8 OF 2021

Shraddhanand Mahilashram .. Petitioner
And
1. Virendra Somkuwar
2. Diksha Somkuwar .. Prospective Adoptive Parents

Mr. Rakesh Kapoor i/b Rakesh K.L. Kapoor and 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 Shraddhanand Mahilashram, a specialized adoption agency. The petitioner seeks an order permitting adoption of a female child born on 2nd November 2019, and entrusted to its custody by an order dated 6th November 2019 by the Child Welfare Committee, Mumbai City-II. The petition is supported by an affidavit of Mrs. Kshama Joshi, Social Worker/ Authorized Signatory of the petitioner.

2. Perused the report Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare.
3. The minor is a surrendered child. Post an enquiry envisaged under section 38 of the Act, 2015, the Child Welfare Committee has declared the child legally free for adoption, by an order dated 27th January 2020.
4. The Adoption Committee has approved the proposal of Mr. Virendra Somkuwar and Mrs. Diksha Somkuwar, the prospective adoptive parents to adopt the child, in its meeting held on 14th July 2020. The Committee found the prospective adoptive parents suitable to adopt the child.
5. The child study and medical examination reports of the child reveal that the child is developmentally normal. The growth of the child commensurates the age. The HIV test of the child is negative. 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 26th June 2011. They have no biological issue. It seems that the prospective adoptive parents have availed the treatment to have a biological child since the second year of their marriage but to no avail. The urge to have a child and complete the family seems to be genuine. The prospective adoptive

parents have been certified to be physically and mentally fit to adopt the child. They are stated to be free from any contagious or infectious disease. Their HIV tests are also negative.

7. The home study appraises the prospective adoptive parents favourably. It, *inter-alia*, records that the prospective adoptive parents are very caring and responsible. They share a strong and stable marital bond. They are financially stable. The home study, thus, strongly recommends the case of the prospective adoptive parents for adoption.

8. Mr.Virendra Somkuwar, the prospective adoptive father, works as a Distributor for Vestige Company. He has filed an affidavit in support of the claim that his yearly income is Rs.2,45,000/-. The income tax return acknowledgments for the assessment years 2018-2019, 2019-2020, and 2020-2021 are placed on record. Mrs. Diksha, the prospective adoptive mother is employed with Bank of Baroda. The net salary for the month of June 2020, after deductions, the chief component of which is repayment of the Housing Loan, is Rs.24,144/-. The copies of the income tax return acknowledgments for the years 2018-2019, 2019-20 and 2021-21 are also placed on record. The overall financial condition of the prospective adoptive parents appear to be stable and secure.

9. The prospective adoptive parents have submitted a child care plan. The mother of the prospective adoptive mother has furnished an

undertaking to take care of the child. The decision of the prospective adoptive parents to adopt the child seems to have been well received by their family and friends.

10. Mr.Nilesh Shende and Mrs. Sujata Shende, sister and brother-in-law of the prospective adoptive mother Mrs.Diksha, have furnished an undertaking to look after, maintain and educate the child in an unforeseen eventuality.

11. In the light 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 persuaded to hold 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.

12. Hence the following order :

ORDER

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

**Shraddha
K. Talekar**

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Shraddha K. Talekar
Date: 2021.02.18
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(iii) Undertakings are accepted.

(iv) Judge's order is signed separately.

The petition stands disposed of in the aforesaid
terms.

[N.J. JAMADAR, J.]