

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

INDIAN ADOPTION PETITION NO.74 OF 2021

ALONG WITH
JUDGE'S ORDER NO.154 OF 2021

Shree Manav Seva Sangh	.. Petitioner
Vs.	
Ashokkumar Dhirubhai Patel & Anr.	.. Co-Petitioners/Adoptive Parents
And	
Mitansh Ashokkumar Patel	.. Minor

Mr. Rakesh Kapoor for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer of ICSW, is present.

Mr. Dilip R. Talekar, Chamber Registrar, is present.

CORAM : A. K. MENON, J.
DATE : 7TH OCTOBER, 2021.

P.C. :

1. This petition is filed, under Section 58(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Regulation 12(2) of the Adoption Regulations, 2017, by a recognized social welfare organization and a specialized adoption agency. The co-petitioners proposed to adopt minor child Mitansh. The petitioner seeks leave to adopt a declaration that the prospective adoptive parents are the parents of Mitansh, to be renamed as Mitansh Ashokkumar Patel; for leave to take the minor beyond the

jurisdiction of this court and to reside with them wherever they choose to reside. The petition also seeks issuance of birth certificate by the Municipal Corporation in the name of the minor Mitansh, who is said to be born on 21st September 2020. The prospective adoptive parents are both presently residing at Bapunagar, Ahmedabad, Gujarat. They were married on 13th March 2009. They have no biological children and have expressed their desire to adopt the minor.

2. The prospective adoptive father is employed as a Production Manager in a firm in Ahmedabad since last 17 years. He has furnished the proof of income, which appears on the lower side. The prospective adoptive mother is self-employed and engaged in stitching and embroidery work from home. Income tax records are disclosed of her as well. It is submitted by the Advocate for the petitioner that the income is sufficient to maintain the family including the adoptive child and to ensure his welfare especially considering the fact that cost of living in there is lower. There appears to be some truth in that submission.

3. The prospective adoptive parents have reiterated their desire to adopt the minor child. The Central Adoption Resource Authority has issued Home Study Certificate. The income affidavit has been filed along with the income tax return and computation of income. The prospective adoptive parents have expressed their consent and willingness to adopt. The medical examination reports are found to be satisfactory. Sister-in-law of the prospective adoptive

father has supported the adoption so as the cousin brother and sister and a family friend have also supported the proposed adoption. The brother of the prospective adoptive father has executed an undertaking to look after, maintain and educate the child in the event the prospective adoptive parents being unable to look after the child. Child Study Report is in order and so as the medical reports of the child.

4. Considering the fact that different residential addresses were shown, upon a query from the court, the prospective adoptive parents, have filed a further affidavit dated 2nd October 2021 confirming that they have been residing at the Bapunagar address and the proposed adoptive mother is also carrying out business at the said residence. They also have a residence at Suvidha Society and that for a few days in a week, they shift their occupation and to enable them to look after the child. The post placement report of the minor Mitansh is also on record and appears to be satisfactory.

5. In view of the above, I am inclined to allow the petition. Accordingly, I pass the following order :-

- (i) Petition is allowed in terms of prayer clauses (a), (b), (c) and (d).
- (ii) The prospective adoptive parents shall invest a sum of Rs.1,00,000/- in the name of the child in LIC's Single Endowment Plan No.917 for 18 years. No loan shall be

taken on the policy. The petitioner shall file evidence of this fact having been communicated to the LIC in the registry.

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

(A. K. MENON, J.)