

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

FOREIGN ADOPTION PETITION NO.28 OF 2021

ALONG WITH
JUDGE'S ORDER NO.164 OF 2021

Children of the World India Trust .. Petitioner

And

Daniel Sanz De Galdeano Sanchez

Maria Belen Carrasco Diaz .. Co-Petitioners/Prop. Adoptive Parents

And

Dhir Daniel .. Minor

Mr. Rakesh K.L. Kapoor for the Petitioners.

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

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

CORAM : A. K. MENON, J.

DATE : 21ST OCTOBER, 2021.

P.C. :

1. The petitioner is a child welfare organization, said to be recognized for adoption by the State Government and the Central Adoption Resource Authority (**CARA**) is also a recognized placement agency. This petition, filed under Sections 59(7) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (**Juvenile Justice Act**), proposes adoption of a minor male child Dhir born on 2nd January 2019 and said to be in the custody of the petitioner. The minor was found abandoned by the Shanti Nagar Police Station, Bhiwandi, Dist. Thane on or about 9th September 2020. Later, the minor is said to have

been produced before the Child Welfare Committee, Thane and was entrusted to the petitioner. CARA has issued a no objection certificate on 27th July 2021. The Child Welfare Committee, Thane has declared the child legally free for adoption on or about 26th February 2021.

2. The prospective adoptive parents are Spanish nationals. They have been married for eight years. They have no biological children. They have been examined by the medical authorities in Spain. The original documents and medical certification are in Spanish, but certified English translations are filed, which indicate that they are medically fit, free of infectious-contagious diseases, mentally and physically sound enough to perform their duties and to adopt and bring up a child.

3. The prospective adoptive father is working as a Cabin Head in Balearia Eurolineas Maritimes S.A. and the mother is Administrative Assistant Clerk in the Town Council of Los Barrios (Candiz), Spain. Their income documents are on record. The Child Study Report dated 14th May 2021 has been seen by the prospective adoptive parents, who have acknowledged the same and are willing to accept the child as of 14th June 2021. The detailed medical examination report of the child is also on record.

4. There is an undertaking by an adoption agency “AAFA Namaste (Asociacion para la promocion cle la Infancia)”. The agency has undertaken and assured that they will report the progress of the child for two years after

arrival. They have investigated the status of the adoptive family and certifies that they are permitted to adopt the minor according to local laws in the Spain. The child care arrangement is also put in place in the event of any difficulties. Initially both the prospective adoptive parents propose to take leave and thereafter make suitable arrangements within their social network that they have set out. Psychological report and home study report of the prospective adoptive parents is on record. They are found suitable to adopt the child of five years of age.

5. During the course of hearing, Mr. Kapoor has placed before the court an updated Home Study Report dated 14th October 2021 received from the adoption agency “AAFA Namaste”, which sets out that all arrangements are in place to facilitate the process of adoption.

6. In view of the above, I have no hesitation in allowing this petition. Accordingly, I pass the following order :-

- (i) Petition is allowed in terms of prayer clauses (a) to (e).
- (ii) The child should not be offered in further adoption.
- (iii) Undertakings are accepted
- (iv) Judge’s Order is signed separately.

(A. K. MENON, J.)