

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

FOREIGN ADOPTION PETITION NO.30 OF 2021

WITH

JUDGES ORDER NO. 175 OF 2021

WITH

JUDGE'S ORDER (L) NO.20620 OF 2021

St. Catherines Home ... Petitioner

v/s.

Akshay Narayan Prabhu Verlekar ... Proposed Adoptive Parents

and Anr.

and

Yash A P Verlekar & Preeti A P Verlekar ... Minors

Mr. Rakesh Kapoor for the Petitioner.

Mr. O. Hareendran Nambiar for ICSW is present.

Mr. D. R. Talekar, 1st Master is present.

CORAM : A. K. MENON, J.

DATED : 14TH OCTOBER, 2021

P.C. :

1. The petitioner is a Child Welfare Association and recognised agency for adoption by the Central Adoption Resource Authority (CARA). The petition has been filed seeking leave to grant in adoption siblings, a girl child born on 10th December, 2005 and a boy born on 10th October, 2015. The children said to be siblings were found abandoned by the Childline on 16th January,

2017 and were produced before the Child Welfare Committee by the

**RAJESHWARI
RAMESH
PILLAI**

concerned police station. The Child Welfare Committee after considering the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (“J.J.B. Act”) is said to have declared the children legally free for adoption on 27th February, 2020.

2. The proposed adoptive parents are Indian nationals but residing in Japan. They have been married for over nine years but have no biological children. They are aged 35 and 38 years and are desirous of adopting the siblings. The prospective adoptive father is employed as Imaging Physicist with Canon Medical Systems Corporation, Japan . The prospective mother is a home maker.

3. Home study reports are on record and the prospective adoptive parents have been interacting with the children since about February of this year. The prospective adoptive parents have provided proof of their marriage. Both have provided medical certification. Prospective adoptive father’s certificate of employment and payment plan is also annexed to the petition as of July, 2021. International Social Service Japan (“ISSJ”) has issued an updated home study report dealing with motivation to adopt, readiness to adopt and the plan for parenting. The report sets out areas of concern but concludes that the prospective adoptive parents are ready to adopt siblings including the older child thus providing for emotional and general readiness to adopt an older child.

4. A licensed psychologist has also certified their capability of raising teenaged adoptees in general, even in cases where age gap is less than 25 years as seen between the elder girl child and the parent. The psychologist has confirmed that is is not unduly problematic. In the meantime I find Embassy of India, Tokyo in letter dated 26th August, 2021 addressed to the Superintendent confirmed that the process of adoption of both children may be completed at the earliest possible.

5. Letters of reference by neighbours have been annexed who have approved the prospective adoptive parents as being capable of adopting the children. Child study reports of both the children Yash and Preeti are found satisfactory. Declaration of willingness to adopt dated 30th July, 2021 is also on record, so is an undertaking of Embassy of India to the effect that once the process is complete, the prospective adoptive parents will send reports on a quarterly basis. They have agreed to follow all rules and ensure the well-being of the children.

6. The Indian Embassy at Tokyo has also submitted an undertaking to CARA / Adoption Agency to obtain take post adoptive progress reports through ISSJ. It is in these circumstances that the adoption is proposed to be proceeded with. Having noticed the age gap it was necessary to consider whether relaxation can be permitted and in this respect the guidelines

pertaining to relaxation required a Relaxation Authority to consider whether the age relaxation could be granted and in this respect it is found that under Regulation 5(6) of the Adoption Regulations 2016, after examining case of the prospective adoptive parents, their present status and keeping in mind the best interests of the children as paramount, relaxation was found be necessary under Regulation 5(6) of the Adoption Regulations 2012. This hurdle having been crossed, all other parameters appear to be in order. However in order to ensure that the prospective adoptive parents are well aware of suitable changes in the approach that will be obviously required in view of the older child, I have today interacted with the prospective adoptive parents on video conference. They have both expressed their unconditional willingness to support the children notwithstanding the age of the girl child. They confirm that they have been suitably counseled and on the conference they confirmed that they have interacted with other families which have adopted older children. They appear are well equipped to provide a future for these siblings. The medical reports of the prospective adoptive parents and their economic status are found to be acceptable. Willingness of the prospective adoptive mother to devote time is noted. I am thus of the view, that this petition is liable to be allowed. Accordingly, I pass the following order :

- (i) Petition is made absolute in terms of prayer clause (a) to (e) both inclusive.
- (ii) Undertakings are accepted.

- (iii) The prospective adoptive parents children shall not offer the children or either of them for further adoption.
- (iv) Accordingly, Judges order is signed separately.
- (v) Petition is disposed in terms of the above.

(A. K. MENON, J.)