

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

FOREIGN ADOPTION PETITION NO.32 OF 2021

WITH

JUDGES ORDER NO. 212 OF 2021

Children of the World India Trust v/s. Stefano Mairani & Anr. and Choti Stella		Petitioner Proposed Adoptive Parents Minor
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Mr. Rakesh Kapoor for the Petitioner.

Mr. O. Hareendran Nambiar Scrutiny Officer for ICSW.

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

CORAM : A. K. MENON, J.

DATED : 23rd DECEMBER, 2021

P.C. :

1. The petitioner is a Child Welfare Association and recognised Indian placement agency. They have filed this petition seeking to give in adoption minor girl child Choti born on 19th November, 2014 currently with the petitioners. CARA the Central agency has vide its certificate dated 5th October, 2021 issued its no objection to the minor being given in adoption to the prospective adoptive parents Stefano Mairani and Ylenia Gaggioli who are residents of Italy. They have confirmation that Children of the World India

Trust, Maharashtra and CIFA ONLUS International Centre for Children and Family Italy having been authorised to process the adoption. In these circumstances this petition has been filed by the petitioner.

2. The prospective adoptive parents are 49 and 47 years old. They have been married for 9 years and have no biological children and they wish to bring up the minor as their own. Both prospective adoptive parents are employed. Income details are on record so are the employment and financial certificates and proof of residence duly endorsed and Apostilled by the Ministry of Interiors Prefecture of Turin.

3. Home study report issued by CIFA ONG for children is also on record. The English version of the home study report is also on record. It supports the adoption describing the couple who have known each other for many years as stable. They are aware of the challenges in adoption and it is noted that the prospective adoptive parents in Italy are required to attend an Information and Training course and as such they are now qualified to adopt in terms thereof.

4. CIFA has thus recommended the couple for adopting the child from India. The Presidency of the Council of Ministers Commission for International Adoptions has also authorised the Consulate General for Italy in Mumbai to be notified of the proposed adoption of the minor who has been identified by name "Choti Stella".

5. The Ministry of Justice has issued a clearance certificate indicating that prospective adoptive parents have no criminal record. A guardian letter dated 8th September, 2021 has been executed by the brother of the prospective adoptive father to look after the child and bring up the child in the event the prospective adoptive parents are unable to do so.

6. The child study report also indicates that the child may require some medical attention which has been brought to the notice of the prospective adoptive parents. The child is seen to be requiring certain treatment for her eyes which requires her to wear glasses and regular follow up may be required. The prospective adoptive parents have signed this perspective and visit report as of 16th December, 2021 and acknowledged the same. In view of the undertaking contained in this petition I have no hesitation in allowing this petition. 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 child for further adoption.
- (iv) Accordingly, Judges order is signed separately.
- (v) Petition is disposed in terms of the above.

(A. K. MENON, J.)