

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INDIAN ADOPTION PETITION NO. 46 OF 2022
WITH
JUDGE'S ORDER NO. 98 OF 2022
IN
INDIAN ADOPTION PETITION NO. 46 OF 2022**

Richie Eric Rodrigues and another ... Petitioners

Mr. Rakesh Kapoor i/by. Rakesh L. Kapoor & Co. for petitioners.

Ms. Vandana M. Chincholkar, Scrutiny Officer, Indian Council of Social Welfare.

Ms. Shonali Dighe, 1st Assistant Master/Chamber Registrar.

CORAM : MANISH PITALE, J

DATE : 22nd DECEMBER, 2022

P.C. :

. By this petition, the petitioners have prayed for a declaration to be the adoptive parents of a minor girl child Zahra Rodrigues, who is under the guardianship of the petitioners, as per the order passed by this Court.

2. Jurisdiction of this Court is invoked on the basis of judgment of a learned Single Judge (F. I. Rebello J.) in the case of Manuel Theodore D'souza reported in 2000(2) Bom. CR 244. In the said judgment, while issuing specific directions, this Court held in paragraph No.35(3) as follows:

“35. I may now turn to the reliefs to be granted, conclusions and directions.

...

(3) As jurisdiction to pass orders on guardianship is in the District Court and/or a High Court having jurisdiction under its Letters Patent, pending legislation, it will be

these courts which have the right to give the child in adoption by way of a miscellaneous application in the petition for guardianship.”

3. In the light of the said position of law clarified by this Court, petitions have been filed in such circumstances, where the petitioners, who were granted guardianship of the minor child, have applied for being declared as the adoptive parents.

4. In the present case, by order dated 11th February, 2009, passed by this Court in Indian Guardianship Petition No.9 of 2009, this Court granted guardianship of the said girl child to the petitioners.

5. It is stated that the said girl child was taken in guardianship at the age of about four years and she has, thereafter, continuously lived with the petitioners. She is well-adjusted with the petitioners and they now seek to be declared as her adoptive parents. The Scrutiny Officer of the Indian Council of Social Welfare has tendered a report pertaining to the facts stated in the petition. Upon verification, it is found in the report that the Adoption home study report dated 3rd September, 2022, specifically recommends adoption of the said girl child as prayed in the present petition and that it will be in the best interest of the child. On this basis, the report positively recommends the case of the petitioners. The said report is taken on record and marked ‘X’.

6. This Court has perused the contents of the petition and it is found that the present petition can be granted. The petitioners alongwith the minor girl child are present in Chambers and upon interaction, it is found that the girl child is indeed happy and content with the petitioners, thereby indicating that the present petition can be allowed in the interest of justice.

7. Accordingly, the petition stands allowed in terms of prayer clauses (a) and (b), which read as follows:

“(a) That this Hon’ble Court may be pleased to declare the Petitioners as the adoptive parents of the said female minor ZAHRA RODRIGUES who is now under the guardianship custody of the Petitioners Mr. Richie Eric Rodrigues and Mrs. Sandra Rodrigues.

(b) That the Petitioners be granted leave to apply to the Municipal authorities to issue a Birth Certificate of the said female minor “ZAHRA RODRIGUES, born on 2nd day of November, 2002 and showing the Petitioners Mr. Richie Eric Rodrigues and Mrs. Sandra Rodrigues as her Father and Mother respectively.”

8. The Judge’s order is separately signed.

(MANISH PITALE, J)

Priya Kambli