

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

**INDIAN ADOPTION PETITION NO. 9 OF 2023
WITH
JUDGE'S ORDER (L) NO. 7343 OF 2023
IN
INDIAN ADOPTION PETITION NO. 9 OF 2023**

St. Catherine's Home
and

...Petitioner

1) Anurag Mishra

2) Neha Khaitan

...Prospective adoptive
Parents

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

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social
Welfare.

CORAM : MANISH PITALE, J

DATE : 20th APRIL, 2023

P.C. :

. The petitioner – Trust is a registered Social Welfare Organization duly recognized by the Government as a Specialized Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The prospective adoptive parents have joined the petitioner in the present petition in the context of

adoption of a minor girl child “Niharika @ Aanya Mishra”.

2. Heard Mr. Kapoor, learned counsel for the petitioner in the presence of Mr. O. Hareendran, Scrutiny Officer of the Indian Council of Social Welfare (ICSW).

3. The said minor child was born on 6/8/2020 and found abandoned by the Virar Police Station on 6/10/2020. As per order passed by the Child Welfare Committee (CWC), Mumbai Suburban District dated 6/10/2020, the child was admitted to the institution. The CWC also declared the child legally free for adoption on 22/4/2022 under Section 38 of the said Act.

4. The prospective adoptive parents are originally residents of Howrah, West Bengal and they presently reside at Mumbai. They are registered with the Child Adoption Resource Information and Guidance System and they were directed by the Central Adoption Resource Authority (CARA) to apply to the petitioner institution. The prospective adoptive parents have custody of the minor child since July 2022 and they have executed appropriate affidavits as per requirement of the said Act. They intend to adopt the aforesaid minor child. The prospective adoptive parents were married on 14/2/2013 and they do not have any biological children. They have jointly consented for the said adoption of the minor girl child.

5. The prospective adoptive father is working as Manager Finance with C. S. Business Services India Pvt. Ltd. (Cadbury), Mumbai since 4/5/2017 and his monthly gross salary is Rs.5,09,522/-. The prospective adoptive mother is working as a Senior Manager Finance Accounting with JSW Steel Ltd. and her monthly gross salary is Rs.2,35,589/-. The relevant documents, including income tax returns are placed on record to support the aforesaid statement.

6. The self assessment report of the prospective adoptive parents as also home visit report by Bal Asha Trust, Mumbai are placed on record. The said report positively recommends the prospective adoptive parents for adoption of the said minor child.

7. Mr. Kapoor, the learned counsel appearing for the petitioner, invited attention of this Court to the contents of the petition, as also the supporting documents and he prays that the petition may be allowed.

8. Mr. Hareendran, Scrutiny Officer has handed over report on behalf of ICSW as regards the present case. The report is taken on record and marked 'X'. The report positively recommends the prospective adoptive parents for adopting the said minor girl child. On the basis of the aforesaid material brought to the notice of this Court, this Court is satisfied that the requirements of law are

complied with in the present case.

9. The report submitted by the Indian Council of Social Welfare supports the assertions made in the petition. The prospective adoptive parents undertake to invest a sum of Rs.2 Lakhs in LIC's Single Premium Endowment Policy, in the name of the minor child. They will not withdraw the said invested amount till she attains the age of majority.

10. It is relevant to note here that in the case of *Nisha Pradeep Pandya alias Nisha Amit Gor and Anr. Vs. Union of India and Ors. in Writ Petition No.1085/2023 (Writ Petition (L) No.32065/2022)*, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the Division Bench of this Court on 10/1/2023 passed an interim order. The relevant portion of said order of Division Bench reads as follows :

“8. In the meantime, there will be an ad-interim order only until the next date in terms of prayer clauses (d), (e) and (f) of the petition which reads as follows:

(d) Pending the final hearing and disposal of the present petition, the Hon'ble Court may be pleased to stay the effect, implementation and purport of the letter dated 30th September, 2022 issued by Respondent No.2;

(e) Pending the final hearing and disposal of the present petition, the Hon'ble Court may be pleased to direct the

Respondents not to transfer pending adoption matters before the District Magistrates for adjudication.

(f) Pending the final hearing and disposal of the present petition, the Hon'ble Court may be pleased to direct the Hon'ble Courts to continue with the adjudication of the adoption matters that are pending on their record and file.

9. Additionally, the safer and more prudent course of action would be to allow all matters to be placed before the learned Single Judge of this Court who is assigned those matters. Those orders may be continued to be passed until the challenge is finally decided.”

11. Hence, it is clear that this Court can consider and dispose of the present petition.

12. In view of the above, the petition is allowed in terms of prayer clauses (a) to (d), which read as follows:

(a) That the Prospective Adoptive Parents be given the said child Aanya Mishra in Adoption and be declared as parents having all parental legal rights, privileges and responsibilities over the said minor.

(b) That the Prospective Adoptive Parents may be granted leave to remove the said minor Aanya Mishra from the jurisdiction of this Hon'ble Court and to take the said

minor out of the jurisdiction of this Hon'ble Court whenever required.

(c) That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Aanya Mishra born on 6/8/2020 and stating thereon that the Prospective Adoptive Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from 'Niharika' to 'Aanya Mishra' born on 6/8/2020.

12. Judge's order is signed separately.

(MANISH PITALE, J)