

Sharayu Khot.

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

INDIAN ADOPTION PETITION NO. 36 OF 2023
WITH
JUDGE'S ORDER NO. 65 OF 2023

St. Catherine's Home

...Petitioner

And

Ravi Muktilal Jaipuriya

...Prospective
Adoptive Parents

Mr. R.K. L. Kapoor, for the Petitioner.

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

Mr. D.S. Gurav, Chamber Registrar present.

CORAM : R.I. CHAGLA J

DATE : 12 October 2023

ORDER :

1. By this Indian Adoption Petition, jointly filed by the
Petitioner and Prospective Adoptive Parents, adoption of the
Proposed male minor Umed (“**the said male minor**”) is sought.

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2. The said male minor was born on 24th December 2021. He was found abandoned by Meghwadi Police Station, Jogeshwari, Mumbai on 6th January 2022 and produced before the Child Welfare Committee (CWC), Mumbai Suburban-II on the same day and the child's safe custody was given to the Petitioner institution on 6th January 2022 as per the order of the said CWC dated 6th January 2022 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 ("**the said Act**"). The custody order of the CWC has been placed on record at page No. 22 to the Petition.

3. After making due inquiry under section 38 of the said Act, the CWC, Suburban - II declared the said male minor "Legally Free for Adoption" on 7th October 2022. The Free for adoption order is on record at page No. 21 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, residing at Yavatmal, Maharashtra aged about 46 and 40 years respectively. They are married for the past 15 years (11th July 2008) with no biological children.

5. The Motivation Letter from the Prospective Adoptive

Parents has been placed on record at page No. 32 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 7th February 2023 has been placed on record at page Nos. 19-20 to the Petition and the Committee has decided that the Prospective Adoptive Parents are suitable to adopt the said male minor.

7. The Affidavit of the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said male minor has been placed on record at page Nos. 99-103 to the Petition.

8. The learned Counsel for the Petitioner in the present Petition has tendered compilation containing the latest medical fitness report of Prospective Adoptive Father dated 8th September 2023 and of the Prospective Adoptive Mother dated 29th August 2023 along with latest Income Tax Return for the years 2023, 2022, 2021, which are taken on record and marked “X” for identification.

9. The said Medical reports state that the Prospective Adoptive Parents are physically and mentally fit. Their HIV and

Hepatitis B test reports certify the case as Non-Reactive. These reports can be found at page Nos. 24 & 30 to the Petition.

10. The Prospective Adoptive Father is self-employed (owner of a Trading Company known as “Jeen Surgical” at Yavatmal, Maharashtra) since 2002 and his income for the Assessment year 2022-23 is Rs. 15,49,210/-. The Chartered Accountants Income Certificate is on record at page Nos. 43-44 to the Petition. The Prospective Adoptive mother is a Homemaker.

11. The Proof of Residence, copies of Aadhar and PAN cards of Proposed Adoptive Father and other supportive financial documents are on record at page Nos. 33-36 & 49-55 to the Petition.

12. The Child Care Plan Declaration from the Prospective Adoptive Mother has been placed on record at page Nos. 56-57 to the Petition.

13. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos. 58-65 to the Petition.

14. The Part II: Assessment report dated 18th June 2022 of the social worker of Specialized Adoption Agency, “Holy Cross Home for Babies”, Amravati is on record and the report has found the Prospective Adoptive Parents suitable for adopting a child. This report is at page Nos. 66-70 to the Petition.

15. The child security undertaking dated 1st February 2023 given by the Prospective Adoptive Father’s elder brother and sister-in-law residing at Yavatmal to look after the said male minor in case of any mishap to the Prospective Adoptive Parents has been placed on record at page Nos. 82-84 to the Petition.

16. The Medical Examination Report of the said male minor dated 24th November 2022 states that he has achieved all the expected milestones for his age. He is an active and playful child. The Prospective Adoptive Parents have countersigned the Medical Examination Report which has been placed on record at page Nos. 88-95 to the Petition.

17. The HIV test report of the said male minor dated 9th February 2023 certifies the case as “Negative”. This report has

been placed on record at page No.96 to the Petition. The post card size photograph of the said male minor is at page No. 98 to the Petition.

18. The Declaration of consent, willingness and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Adoptive Parents of the said male minor. This Declaration is at page No. 37-39 to the Petition.

19. The Pre-adoption foster care undertaking dated 1st February 2023 has been placed on record at page No. 40-42 to the Petition.

20. The undertaking dated 31st January 2023 given by the authorities of “Holy Cross Home for Babies”, Amravati for furnishing post adoption follow-up reports is on record at page No. 104 to the Petition.

21. As regards the change of name, the Adoptive Parents desire that the minor ‘Umed’ be renamed as “Shivansh Ravi

Jaipuriya”.

22. The Petitioner institution’s recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 5th May 2025.

23. Mr. O. Hareendran, Scrutiny Officer has tendered Report/Representation of Indian Council of Social Welfare dated 5th October 2023, which is taken on record and marked “Y” for identification.

24. Having considered the documents placed on record as well as the Report of Mr. O. Hareendran, Scrutiny Officer marked Y, I am of the view that it would be in the interest of the said male minor, if he is adopted by the Prospective Adoptive Parents.

25. 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.,¹ concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the Division Bench of

¹ Writ Petition No.1085/2023 (Writ Petition (L) No.32065/2022)

this Court on 10th January, 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.”

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

27. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (d) of the Petition, which read thus:-

- “(a) That the Prospective Adoptive Parents be given the said child **Shivansh Ravi Jaipuriya** in Adoption and be declared as parents and 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 **Shivansh Ravi Jaipuriya** 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 **Shivansh Ravi Jaipuriya** born on 24/12/2021 and stating thereon that the Prospective Adoptive Parents

are the Parents of the said minor.

- (d) That the Prospective Adoptive Parent be allowed to Change the name of the minor from 'UMED' to **"Shivansh Ravi Jaipuriya"** born on 24/12/2021.

28. The Judge's Order is accepted and signed separately.

29. There is an undertaking in the Judge's Order that Adoptive Parents will create a fixed deposits for an amount of Rs. 1,00,000/- (Rupees One Lakh only) in the name of the said Adopted Child. They have undertaken not to withdraw the said amount until the Adopted child attains majority. They have agreed to handover investment receipts to the Adopted child on his becoming major. This undertaking is accepted as an undertaking to this Court.

30. The Indian Adoption Petition is accordingly, disposed of. There shall be no order as to costs.

[R.I. CHAGLA J.]