

Versus

Susan Tamara Alphonso ... Proposed Adopter

Mr. Rakesh Kapoor i/b Mrs. Rakesh K.L. Kapoor & Co. for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer, present.
Mr. D.S. Gurav, Chamber Registrar present.

CORAM : R.I. CHAGLA, J.

DATED : 27th JULY, 2023.

ORDER :

1 The Indian Adoption Petition has been filed by the Petitioner seeking adoption of Susan Tamara Alphonso who was under the Guardianship of the Petitioner's late husband Mr. Sebastian Alphonso, appointed as guardian on 06.01.1993 by this Court.

2 The female Susan Tamara Alphonso born on 26.07.1992 was an inmate of St. Catherine's Home, Mumbai. The said Home proposed her in Guardianship to the Petitioner's husband late Sebastian Alphonso vide Indian Guardianship Petition No.1 of 1993. In the said order dated 06.01.1993 passed by this Court, an undertaking of Sebastian Alphonso was recorded. He had undertaken to adopt Susan Tamara Alphonso, who was then a minor in the event of any law being passed permitting Christians to adopt children. The Guardianship Petition was allowed by the said order dated 06.01.1993 which has been placed on record at page No.15 to the Petition.

3 The Adoption Petition is filed by the Petitioner as per the provisions of the judgment dated 27.10.1999 of this Court reported in 2000 All MR Page 39.

4 The Petitioner is a Christian of Indian National residing at Andheri (West), Mumbai, aged about 67 years. She was married to (late) Sebastian Alphonso on 27.12.1979 and has no biological children. Her husband expired on 26.04.2012 at Mumbai. The marriage Certificate and Death Certificate of Sebastian Alphonso has been placed on record at page Nos.20-22 to the Petition.

5 The Medical Certificate dated 19.01.2023 of the Petitioner is on record at page No.25 to the Petition and states “She is in normal state of health and free from any communicable or non-communicable disease/illness or physical defects/infirmity”. The latest family photograph has been placed on record at page No.19 to the Petition. The Petitioner though being homemaker, has an annual gross income of Rs.6,83,158/- from her various bank Fixed Deposits. The income affidavit and Income Tax Returns are placed on record at page Nos.26-44 to the Petition.

6 The said Susan Tamara Alphonso is presently working at Emerald Hotel, Juhu as a Front Office Executive and earning the sum of Rs.18,000/- per month. Her total income for the Assessment Year 2022-23 is of Rs.2,53,070/-. Her income affidavit and Income Tax Returns have been placed on record at page Nos.45-61 to the Petition.

7 The Petitioner’s copies of Aadhar and Pan Card, supportive financial documents and proof of residence has been placed on record at page Nos.23-24 and 62-100 to the Petition.

8 The adoption Home Study Report dated 24.03.2023 by the authorities of St. Catherine’s Home, Mumbai, have been placed on record at page Nos.101-106 to the Petition and the report has recommended the said Susan Tamara Alphonso’s case for adoption, as it will be in the best

interest of Susan Tamara Alphonso. The follow-up report of the said Susan Tamara Alphonso dated 24.03.2023 states that the said Susan Tamara Alphonso is well settled right from the beginning with the Petitioner and her family. She is very comfortable with the knowledge that she is being adopted and has bravely come to terms with the loss of her biological family. Her relationship is completely normal and it is impossible for a stranger to guess that she is adopted as she has both the parents' features. She has a strong, independent personality and always knows what she wants and does not want. She has a wide variety of interest and is presently working as a front office Executive and she works on shift. Follow up report dated 24.03.2023 has been placed on record at page Nos.107-110 to the Petition.

9 The Medical Certificate dated 09.01.2023 of the said Susan Tamara Alphonso is on record and it states that she is in normal state of health and free from any communicable or non-communicable disease/illness or physical defects/infirmity. Her latest photograph, Medical Fitness Certificate, consent letter and copies of Aadhar and Pan Card have been placed on record at page Nos.119 to 123 to the Petition.

10 The Recommendation letters in support of the adoption of said Susan Tamara Alphonso from close family friends have been placed

on record at page Nos.111-118 to the Petition.

11 Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare, has tendered representation/report dated 25.07.2023 which is taken on record and mark 'X' for identification.

12 The recommendation based on the order passed by this Court on 06.01.1993 in Indian Guardianship Petition No.1 of 1993 in favour of the Petitioner's husband Mr. Sebastian Alphonso and the latest home visit report/progress report prepared by the authorities of St. Catherine's Home, Mumbai, is that said Susan Tamara Alphonso is well integrated into the adoptive family.

13 Mr. Rakesh Kapoor, learned Counsel appearing for the Petitioner has submitted that as an exceptional case the present Petition may be allowed so that the said Susan Tamara Alphonso's parented by guardianship is not put into a question at any stage. I am agreeable with the submission of Mr. Kapoor and in my view it would be in the interest of the said Susan Tamara Alphonso that she is adopted by the Petitioner and that the Petitioner is declared as a adopted parent.

14 The said Susan Tamara Alphonso together with the Petitioner was present for today's hearing. From the interaction with her I find that

she has a positive approach towards life and aware of the circumstances around her. She is waiting to be confirmed the legal status of being a daughter of the Petitioner. Considering that as per earlier order dated 06.01.1993, an amount of Rs.20,000/- was deposited in the name of the said Susan Tamara Alphonso and, thereafter, further amount have been invested in her name, there is no question of further investment.

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

“(a) That this Hon’ble Court may be pleased to condone the delay in filing the present Petition.

*(b) That this Hon’ble Court may be pleased to declare the Petitioner as Adoptive Parent of the said female **Susan Tamara Alphonso**, under the guardianship of the Petitioner’s Late husband Mr. Sebastian Alphonso.*

(c) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said female Susan Tamara Alphonso, born on 26/07/1992 and stating that thereon that the

*Petitioner as the Parent of the said female **Susan Tamara Alphonso.***

16 The Judge's Order is also separately signed.

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

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signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
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(R.I. CHAGLA, J.)