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

INDIAN ADOPTION PETITION NO. 18 OF 2023

WITH

JUDGE'S ORDER (L) NO.18440 OF 2023

Maharashtra State Women's Council Adoption ...Petitioner

Versus

Pankaj Prakashrao Tikle and anr. ...Respondents

Ms. Dipal S. Mehra for the Petitioner.

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

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

CORAM : R.I. CHAGLA J

DATE : 10 August 2023

ORDER :

1. The Indian Adoption Petition has been filed by the
Petitioner Institution and the Proposed Adoptive Parents for adoption
of female minor Ruhi ("**the said female minor**") born on 7th June
2022. The said female minor was admitted to the Petitioner
Institution 16th June 2022 by the biological mother for the child's

temporary shelter and care. On 17th June 2022, the biological mother executed a Deed of Surrender before the Child Welfare Committee, Mumbai City-I and the said female minor child's custody was given to the Petitioner Institution on the same day as per the order of the Child Welfare Committee(CWC), Mumbai City-I dated 17th June 2022 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The CWC order has been placed on record at page No. 21 to the Petition.

2. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Mumbai City-I declared the said female minor child Ruhi "Legally Free for Adoption" as on 23rd August 2022. The Free for Adoption order has been placed on record at page Nos. 22-23 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals presently residing at Hyderabad, Telangana, aged about 39 years and 37 years respectively, having been married for the past 13 years (14th November 2010) with no biological children.

4. The Motivation Letter of the proposed Adopters has been placed on record at Page No. 26 to the Petition.

5. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said female minor child has been placed on record at page Nos. 153-159 to the Petition.

6. The Decision of the Adoption Committee at the meeting held on 9th November 2022 has been placed on record at page Nos. 18-19 to the Petition. The committee has decided that the Prospective Adoptive Parents are suitable to adopt the said female minor child born on 7th June 2022.

7. The Medical report of the prospective adoptive parents dated 17th October 2022 states, "The health of the prospective adoptive parents do not disqualify them in parenting a child in any way". Their HIV and HBsAg test reports certifies the case as Non Reactive. The said medical certificates have been placed on record at page Nos.29-40 to the Petition.

8. The Prospective Adoptive father is working as a Design Manager, R&D Projects with Thermo Fisher Scientific India Pvt. Ltd., Hyderabad since 30th May 2022 and his monthly (June-2023) gross salary is Rs. 2,29,907/-. His Income Tax Returns, Appointment order and Pay slips have been placed on record at page Nos. 59-61 & 66-75 to the Petition. The prospective adoptive mother is a Homemaker.

9. The proof of residence (rental agreement), copies of PAN card and other supportive financial documents have been placed on record at page Nos. 44-49, 62-65 & 76-87 to the Petition.

10. Childcare arrangement plan statement of Proposed Adoptive mother is on record at Page No. 88 to the Petition.

11. The home study report Part I Self Assessment by the Prospective Adoptive Parents has been placed on record at page Nos. 89-99 & 110-119 to the Petition.

12. The Part II: Assessment reports of the Social Worker of “Society of Friends of the Sassoon Hospitals (SOFOSH), Pune (Home visits done on 30th May 2019 & 6th May 2022) have found the

prospective adoptive parents suitable for adopting a child. The said Home study reports have been placed on record at page Nos. 100-109 & 120-132 to the Petition.

13. The child security undertaking dated 19th November, 2022 given by the prospective adoptive mother's cousin brother and sister-in-law residing at Pune to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents has been placed on record at page Nos. 148-152 to the Petition.

14. The Pre-adoption foster care undertaking dated 19th November 2022 has been placed on record at page Nos. 56-58 to the Petition.

15. The Joint Declaration of consent & willingness to adopt by the prospective adoptive parents states that they are willing to be appointed and declared as the adoptive parents of the said female minor child born on 7th June 2022. The prospective adoptive parents have further agreed and undertaken to the Petitioner Institution and to the Hon'ble Court that they will not give the said female minor child in further adoption to anyone residing outside India. The said

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declaration has been placed on record at page Nos. 51-53 to the Petition.

16. The Medical Examination Report of the said female minor child dated 27th September 2022 states, “Her physical and mental milestones are normal for age. Overall Observation of the child: A normal, healthy child.” The proposed adopters have countersigned the said Report. The said Report has been placed at page Nos. 141-145 to the Petition.

17. The HIV Report of the said female minor child dated 10th August 2022 certifies the case as Non Reactive. This Report has been placed at page No. 146 to the Petition. The Post Card Size Photograph of the said female minor child has been placed on record at page No. 25 to the Petition.

18. As regards the change of name, the proposed Adopters desire that the said female minor ‘**Ruhi**’ be renamed as “**Rajvi Pankaj Tikle**”.

19. The undertaking dated 13th October 2022 given by the

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Specialized Adoption Agency “Society of Friends of the Sassoon Hospitals (SOFOSH), Pune for furnishing post adoption follow-up reports has been placed on record at page No. 147 to the Petition. However, since December 2022, the proposed adoptive parents have relocated to Hyderabad. The said Specialized Adoption Agency (SOFOSH), Pune has transferred the case to Women and Child Development & Senior Citizen Department, Rangareddy District, Telangana for furnishing post-follow up reports as per the Adoption Regulations.

20. The Follow up Report dated 27th June 2023 of the District Welfare Officer, Rangareddy District is on record at Annexure-I which states that the said female minor child is a healthy child and has adjusted very well to her new environment and the adoptive family.

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

22. Ms. Dipal S. Mehra, learned counsel appearing for the

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Petitioner has tendered the compilation of Pre-Adoption Foster Care Affidavit-cum-declaration dated 19th November 2022 of the Proposed Adoptive Parents, post Adoption follow up Report dated 27th June 2023 of the said female minor child and modified Judge's order. The compilation is taken on record and marked 'x' collectively for identification.

23. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation of the Indian Council of Social Welfare dated 9th August 2023, which is taken on record and marked 'x1' for identification.

24. Having considered the material on record as well as the Report/Representation dated 9th August 2023 of the Scrutiny Officer which is marked as 'x1', in my view, it would be in the interest of the said female minor child, if she is adopted by the Proposed 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 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

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

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, there is impediment for this Court to consider and dispose of the present Petition.

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

- (a) This Hon’ble Court may be pleased to appoint the Co-Petitioners, Pankaj Prakashrao Tikle and Neha Pankaj Tikle as the adoptive parents of the female minor, Ruhi @ Rajvi Pankaj Tikle, in the care of the Maharashtra State Women’s Council Group at Maharashtra State Women’s Council Asha Sadan Balgruh, Asha Sadan Marg, Umderkhadi, Mumbai-400 009.

- (b) That the Co-Petitioners be allowed to change the name of the minor 'Ruhi' to 'Rajvi Pankaj Tikle'.
 - (c) That the Co-Petitioners may be granted leave to remove the aforesaid child from the jurisdiction of this Hon'ble Court and to take the minor along with them, i.e. to the Co-Petitioners family wherever they may reside or their Work may require them to,
 - (d) That the concern Municipality/the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days From the date of application of the Petitioner, as per the Provisions of regulation 36 of the Adoption Regulations,
28. The Judge's Order is also signed separately.
29. The Prospective Adoptive Parents have undertaken to invest a sum of Rs.1,00,000/- in the Adopted child's name and have further undertaken not to withdraw the said investment till the

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Adopted child attains the age of majority. They have agreed to handover investment receipts to the Adopted child on her becoming major. This is also stated in the Judge's order which is signed separately.

30. The present Indian Adoption Petition is accordingly disposed of. No order as to costs.

[R.I. CHAGLA J.]