



Rameshwar Dilwale

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

INDIAN ADOPTION PETITION NO.19 OF 2023

WITH

JUDGE'S ORDER NO.37 OF 2023

IN

INDIAN ADOPTION PETITION NO.19 OF 2023

Bal Anand, Worldchildren Welfare Trust India ...Petitioner
Chembur, Mumbai

And

1. Ragavendra Rao N S ...Prospective
2. Uma Damodaran Adoptive Parents

Ms. Rakesh K. L. Kapoor i/by Mr. Rakesh K. L. Kapoor & Co.,
Advocate for Petitioners.

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare.
Mr. D.S. Gurav, Chamber Registrar present.

CORAM : R.I. CHAGLA, J.

DATE : 17TH AUGUST, 2023.

ORDER :

1. By this Indian Adoption Petition, the Petitioner alongwith the Prospective Adoptive Parents has sought for adoption of the female minor Palak, ("**the said female minor**") born on 6th July 2022. The biological mother surrendered the said female minor child before the Child Welfare Committee (CWC), Mumbai Suburban District, Mumbai on 7th July 2022. The said female minor child's safe custody

was given to the Petitioner institution on the same day as per the order of the CWC dated 7th July 2022 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016). The Safe custody Order of the CWC has been placed on record at page no. 22 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 Suburban District, Mumbai declared the said female minor Palak “**Legally Free for Adoption**” on 28th October 2022. The Free for Adoption certificate has been placed on record at page nos. 20-21 to the Petition.

3. The Prospective Adoptive Parents are Indian Nationals, residing at Chennai, both aged about 41 years and have been married for the past 12 years (16th October 2011) with no biological children.

4. Motivation Letter by the Prospective Adoptive Parents has been placed on record at page no. 35 to the Petition.

5. The Decision of the Adoption Committee at the meeting held on 12th January 2023 has been placed on record at page nos. 19-19A to the Petition. The Committee has decided that the

Prospective Adoptive Parents are suitable to adopt the said female minor child Palak born on 6th July 2022.

6. The Affidavit by the Chief Functionary of the Specialized Adoption Agency (Applicant) in support of the Adoption of the said female minor Palak have been placed on record at page Nos. 115-119 to the Petition.

7. The Medical Report of the Prospective Adoptive Parents dated 5th January 2023 states “ Currently they are not suffering from any health problem”. Their HIV I & II and Hepatitis B test Reports certifies the case as Non-Reactive. These reports have been placed on record at page Nos. 31 to 34 to the Petition.

8. The Prospective Adoptive Father is working as an Associate General Manager with HCL Technologies Ltd., Chennai since 14th November 2019 and his gross monthly salary is Rs. 1,81,178.67. His Employment certificate, Salary Slip and Tax Returns have been placed on record at page Nos. 50-59 to the Petition.

9. The Prospective Adoptive Mother is as an Associate General Manager with Tata Consultancy Services, Chennai since April, 2004 and her gross monthly salary is Rs. 3,03,444/-. Her Employment

certificate, Salary Slip and Tax Returns have been placed on record at page no. 60-68 to the Petition.

10. The proof of residence (copies of Adhar Card) and PAN Card and other supportive financial documents have been placed on record at page nos. 36-43 & 69-75 to the Petition.

11. The childcare arrangement plan declaration by the Prospective Adoptive Parents has been placed on record at page no. 76 to the Petition.

12. The home study report part II: Assessment report dated 11th June 2022 of the social welfare of “Holy Apostles Convent”, Chennai, Tamil Nadu has been placed on record and the report has found the Prospective Adoptive Parents suitable for adopting a normal child from 0-2 years old. The report has been placed on record at page 82-84 to the Petition.

13. The Child security undertaking dated 28th December 2022 by the Prospective Adoptive Father’s Sister and brother-in-law to look after the said female minor in case of any mishap to the Prospective Adoptive Parents has been placed on record at page nos. 95-99 to the Petition.

14. The Medical Examination Report of the said female minor dated 9th November 2022 states “Health Status: Normal. Overall Observation of the child: Palak is a 4 month old child whose growth and development is appropriate for the age”. The Prospective Adoptive Parents have countersigned the said Medical Examination Report which has been placed on record at page nos. 103-111 to the Petition.

15. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor ‘Palak’ be renamed as “Ishanvi Ragavendra”.

16. The HIV test Report of the said female minor dated 4th July 2023 certifies the case as Negative. The said report has been placed on record at page no. 113 to the Petition. Post Card Size Photograph of the said female minor has been placed on record at page no. 114 to the Petition.

17. The Declaration of consent and undertaking by the Prospective Adoptive Parents state that they are willing to be appointed and declared as the adoptive parents of the said female minor Palak born on 6th July 2022. This declaration of consent and

undertaking have been placed on record at page no. 44 to the Petition.

18. The Pre-adoption foster care undertaking dated 2nd January 2023 has been placed on record at page nos. 45-47 to the Petition.

19. The undertaking dated 2nd January 2023 given by the Specialized Adoption Agency “Holy Apostles Convent”, Chennai, Tamil Nadu for furnishing post adoption follow-up reports has been placed on record at page no. 120 to the Petition.

20. 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.

21. Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare has tendered Report dated 9th August 2023, which is taken on record and marked “X” for identification.

22. Having considered the relevant material on record as well as the Report dated 9th August 2023 of the Scrutiny Officer, Mr. O. Hareendran, marked “X”, in my view, it would be in the interest of

the said female minor child, if she is adopted by the Proposed Adoptive Parents.

23. 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

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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.”*

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

25. 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 minor **Ishanvi Ragavendra** 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 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 **Ishanvi Ragavendra** born on 6th July, 2022 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 PALAK to “**Ishanvi Ragavendra**”.

26. The Judge’s order is also separately signed.

27. The Adoptive Parents have undertaken in the Judge’s Order to invest a sum of Rs. 2,00,000/-(Rupees Two Lakh only) in the adopted child’s name. They have further undertaken not to withdraw this investment till the adopted child attains majority. They have agreed to hand over the investment receipts to the adopted child on her becoming a major.

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

[R.I. CHAGLA, J.]